RUSSIAN POLITICAL INSTITUTIONS

KOVALEVSKY

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THE GROWTH AND DEVELOPMENT OF THESE INSTITUTIONS FROM THE BEGINNINGS OF RUSSIAN HISTORY TO THE PRESENT TIME

BY

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AUTHOR OF ORIGIN OF MODERN DEMOCRACIES; COUTUME CONTEMPORAINE ET LOI ANCIENNE: DROIT COUTUMIER OSSÉTIEN ÉCLAIRÉ PAR L'HISTOIRE COMPARÉE; LE RÉGIME ÉCONOMIQUE DE LA RUSSIE; AND, DIE ÖKONOMISCHE ENTWICKLUNG EUROPAS BIS ZUM BEGINN DER KAPITALISTISCHEN WIRTSCHAFTSFORM

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THE PREFACE

Some time ago, meeting occasionally with Professor Bryce, author of "The American Commonwealth," I heard him say he was astonished not to see the appearance of a book on the history and present state of political institutions in Russia. Of course Englishmen have the excellent work of Mackenzie Wallace, rich in personal information collected by that author during a long stay in Russia; and the French, the profound and pleasantly written treatise of A. Leroy-Beaulieu, "The Empire of the Czars." But neither of these authors has seen fit to call the attention of the public to the special question of the evolution of the Russian political régime. I was obliged, therefore, to share in Professor Bryce's astonishment, and even to take his remark as an indirect hint for me to supply the lack in sources of information for Europeans on this subject, by a short sketch of Russia's institutional development.

There are, of course, in the Russian language several excellent treatises written to serve this purpose, but even the best of them—the works of Professor Gradovsky and of Professor Korkounov—are quite too voluminous to be translated into a foreign tongue, and if they were translated, too technical to be well understood by the general reader. Furthermore, these books fail to cover the whole field of investigation into the origin of Russian institutions. And though Russian legal historians have treated this last subject at length in many valuable and suggestive monographs, these are too highly specialized for the foreign reader. Preceded by the authors of general histories treating of the past of Russia, such as Soloviev, Kostomarov, Ilovaisky,

Kluchevsky, Milukov, Russian lawyers, busy in the study of our legal development, have during these last years, thanks to the activity of such men as Professor Sergievitch, Vladimirsky-Boudanov, and the late Professor Ditiatin, not to speak of earlier writers, Beliaiev, Tchichirin, and Dmitriev, created a literature worthy to compare with that of France and of England, where this kind of study has been pursued more energetically during the last twenty-five years. The reader can see that it is not the want of materials relating to the Russian political system, whether past or present, which prevents one from writing a book of general information for foreigners; it is rather the difficulty of summarizing this huge mass of facts in such a manner as to give a bird's-eye view of the internal development of Russia, begun almost a thousand years ago, and arrived at a turning-point only in our own days. My purpose is, then, not so much to give the foreign reader technical details, as to enable him to draw conclusions concerning the progress of our political institutions.

Those who consult this volume will, I think, have no difficulty in ascertaining this general fact: that from an eastern and despotic state, Russia, thanks to the reforms of Peter, Catherine, and the two first Alexanders, is becoming more and more a European one. And to achieve this end she began by imitating Swedish, German, French, and English institutions. But this remolding of Russia's political organization into the likeness of foreign models has by no means prevented the maintenance of genuine Russian customs and institutions; indeed, the laws and rules grafted from western Europe have had to yield much to the home stock. No wonder, then, that on more than one occasion Russia adopted only the form and not the spirit of the institutions she was copying. And will not this mere imitation of form explain why Russia's experience with European institutions has, till now, done scarcely anything

toward rooting from her soil what is left of that unbounded, despotic power which is common to all eastern monarchies? For in Russia this power has merely changed its appearance—the single head of the monarch has taken on the hundred arms of Briareus. And a bureaucracy with its power centered in one head—a bureaucracy such as plagued the European continent during the seventeenth and eighteenth centuries—is the present form of the Russian government. I consider, therefore, that the turning point of Russian internal development came with those restrictions to which this bureaucracy had to submit when Alexander II. created our local self-government. The reaction which inevitably ensued had, of course, but one purpose: to retain the rule of bureaucracy, and hinder Russia from a further remodeling, this time of her central institutions, on the same plan of self-government. And I have no doubt that the difficulties which Russia has to undergo, and which arise from her present internal conditions, have no other cause than the interruption of the evolution already begun in favor of a constitutional monarchy. The only loser in this case will be, of course, bureaucracy. This accounts, too, for bureaucracy's warlike disposition toward so-called "European ideas," and its readiness to maintain old Russian principles, which, as the reader will be able to judge for himself, are not so much Russian as Tartar, Byzantine, old French, and old Swedish.

CHAPTER I

THE MAKING OF RUSSIA

IN the text-books of mediæval history, which in a few words treat of the difficult problems as to the origin of the Russian people and state, one generally finds the following statement: At the time of Herodotus, Russia was inhabited by Scythians and Sarmatians; the Russians derive from the first and the Poles from the second. This affirmation is very bold, and quite in contradiction with modern archæological researches. Let us inquire as to the chief sources of information concerning the people that once inhabited Russia.

A traveler coming from the western shore of the Caspian, and traversing the northern part of the Caucasus and the steppes of southern Russia, must necessarily be struck by the great number of earthen tumuli, known under the name of *Kourgans*. They constitute almost the greatest treasure of Russian archæology, and probably in the near future will be the means of solving more than one riddle in the intrinsically complicated question of the different ways by which Aryan and non-Aryan peoples have penetrated into western Europe. These tumuli contain both numerous remnants of a burial ceremony, which took the form either of cremation or inhumation, and ancient stone and partly iron weapons, implements of daily use, ornaments, and sometimes pieces of money. These facts enable one to fix almost with certainty, if not the nationality of the builders, at least the period of construction. And from these tumuli, which cover the surface of Russia from the Caspian and the Black Seas to Moscow and Smolensk, these investigators

draw conclusions as to the former whereabouts of the heterogeneous races that once lived in Russia. But though these archæological studies have been carried on with great energy during the last fifty years, and though books have been written like those of Count Ouvarov on the Stone Age in Russia and of Professor Bogdanov on the craniology of the early inhabitants of the Moscow district, yet the work necessary to identify the remote inhabitants of Russia is not half done.

The information derived from this kind of archæological research goes as far back as the epoch when the mammoth inhabited the prairies of Little Russia. Numerous remnants, such as whole skeletons and bones, containing, in the eyes of certain investigators, no doubtful traces of the rudiments of human art, have been recently discovered under one of the streets of Kiev.

Besides these barbarous tombs, Russia has, concerning its primitive peoples, another though a less known source of information, of which, so far as the author knows, Professor Miller of the University of Moscow was first to speak. It is that of words and whole sentences very like those still in use among the Ossets, an Aryan tribe of the northern Caucasus, committed to Greek inscriptions coming from those numerous colonies which, like Olvia, were founded many centuries before Christ on the shores of the Black Sea, or of the Sea of Azov. Unintelligible to those who first made them known, they got meaning from the moment when Miller tried to explain them by juxtaposing them with words of the Ossetic language. The same language furnished him with a key for interpreting several topographical names, such, for instance, as that of the river Don, the Tanais of the ancients—the Don, in modern Osset, meaning water. If now we control by archæological discoveries, the study of Greek inscriptions and topographical names, the more or less scanty and fabulous ethnographical information

given by Herodotus and later annalists, not only of Greek or Latin, but also of Arabian, Byzantine, and German origin, we come to the following conclusions:

Centuries before the founding of the Russian principalities in the year 862, the great and almost uninterrupted plain which extends from the chain of the Ural to the Carpathian Mountains was inhabited by nomadic peoples. A part of them, as the Majiars and the Avars, remnants of whom are still to be found in the northern and eastern Caucasus, came from Asia and settled definitely only on the Danube and in the Balkan peninsula. Others, as the Bolgars, after a prolonged residence on the banks of the Volga, were forced by new invaders, the Tlazars, to migrate in part to their present abode on the Black Sea, leaving in the western Caucasus a branch still known under the name of Balchari. Amongst the tribes coming from Asia, the Ossets—of Aryan culture, as has been established by their language and grammar—settled south of the Don, over a large area which, in later days, was partly occupied by new intruders, Tartars and Kabardans. These Ossets established a social and legal organization—minutely described by the author in French—which students of ancient Greek history consider one of the best illustrations of the life led at the time of Homer and the first Dorian invaders. It is very likely that the Ossets were not the only tribe of Aryan origin who settled in the south of Russia. The fact that Greek inscriptions contain words of the same root as the Osset words, but considerably differing from them now, leads us to think that the Garmats, mentioned by Herodotus in contrast to the wilder Scythians, corresponded to this nucleus of stationary Aryan tribes. If the theory of the long settlement of the Aryans in southern Russia on their migration from Asia maintains its position against rival theories, the customs and usages of the Ossets, described by the author, will acquire

for the students of ancient Aryan history the importance of a unique survival of a mode of life very like that appearing in the old Hindoo codes, in the *Iliad* and the *Odyssey*, in Celtic legends and the Brehon laws of the Irish. This inroad of Aryan and non-Aryan races into Russia had for its necessary result the withdrawing farther to the north of the Finnish tribes which once covered its surface. Already at the time when was first composed, or derived, probably from some Byzantine source, the prologue to the oldest Russian annals, those of Nestor, the Finnish tribes mentioned by the historian of the Goths, Jornandes, as subdued by Hermanric and his followers were established on the banks of the Oka with its affluents, and on the northern part of the Volga. The traditions preserved by the legends of the Korels, constituting on the whole a kind of epic poem, the *Kalevala*, contain more than one allusion to the residence of their countrymen in places situated more to the south as far as the Grand Lakes. Whilst removing to their present abode, the Finnish populations forced to the extreme north the Laps and the Samoieds, whom many ethnographers consider as being nowadays almost the only remnants of the earliest inhabitants of northern Russia, and who still preserve the memory of having lived once under a more temperate climate.

As to the Slavs, who form the nucleus of the Russian population, they were already known to Jornandes under the name of Veneds and Ants. It is now generally recognized that they migrated to Russia from the neighborhood of the Carpathian Mountains. The Byzantine annalists of the sixth and the beginning of the seventh centuries, speaking of the Slavs, whom they called Sklaboi, a name appearing as early as the end of the fifth century, distinguish two branches of them: the Ants, living from the Danube to the mouth of the Dnieper; and the Slavs, properly so named, living northeast of the Danube and as

far to the east as the source of the Vistula and on the right bank of the Dniester. In this, their statement agrees with that of the historian of the Goths, Jornandes. Some Russian scholars, among others Professor Kluchevsky, suppose that before coming to the Danube the Slavs lived near the Carpathians, whence they invaded the Byzantine empire, trying to cross the Danube. These encroachments, beginning as far back as the third century, resulted in the penetration of the Slavs into southern Austria and the Balkan peninsula. But some of the tribes who now inhabit Croatia were to be found even in the tenth century on the slopes of the Carpathians, according to the testimony of our oldest annals. An Arabian chronicle, that of Masudi, of the first half of the ninth century, speaking of the Eastern Slavs, calls them *Valinana*, which is identical with the Russian word, *Voliniane*, the inhabitants of Volin, a province situated on the south side of the Carpathians. According to Masudi, author of the "Golden Meadows," these *Valinana* ruled all the other Slavonic tribes; but quarrels ensuing among them broke their union and separated them into different tribes, each with its own ruler. No wonder that under such conditions they soon became the prey of the Avars. In the oldest Russian chronicle, which gives the following details as to the way in which the conquered Slavonic tribes were treated by the conquerors (the Avars, known to the author under the name of Obri), this same fact is mentioned. Instead of yoking oxen to a cart, the Obri yoked Slavonic women. Whilst telling this anecdote, the chronicler speaks of the Doulebs as of the people oppressed, and so we come to the conclusion that already in the sixth century, when this invasion of the Avars took place, the Slavs living near the Carpathians in Volinia, were known under the name of Doulebs. It is from this region that they migrated to the east into Poland and Russia. Byzantine annalists of the sixth and seventh centuries, Procopius and

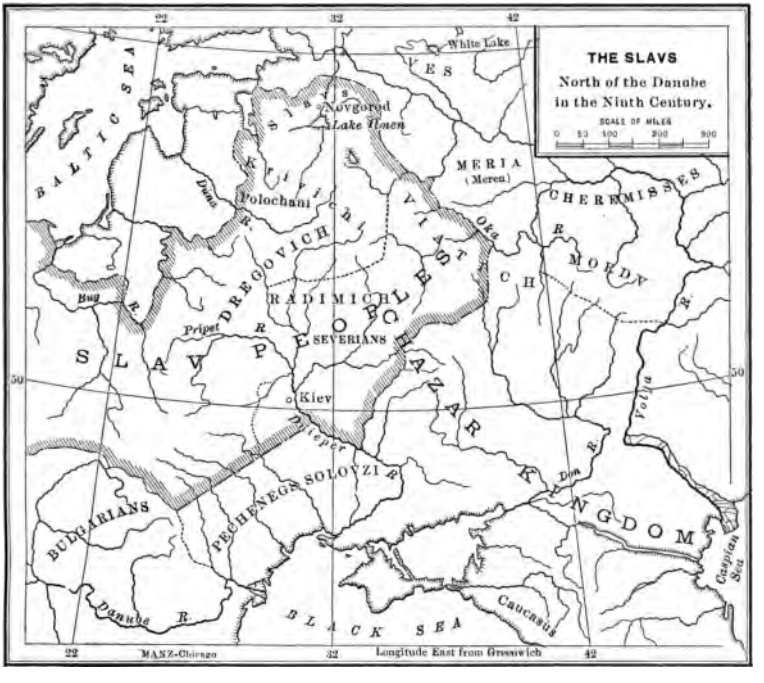
the Emperor Maurikius, who had to fight the Slavs in person, speak of them as being ever on the move: "They live in woods and on the banks of rivers, in small hamlets, and are always ready to change their abode." At the same time these Byzantine annalists describe this people as exceedingly fond of liberty. "From the remotest period," says Procopius, "the Slavs were known to live in democracies; they discussed their wants in popular assemblies or folkmotes." (Chap. XIV. of the *Gothica seu Bellum Gothicum.*) "The Slavs like liberty," writes the Emperor Maurikius; "they cannot bear unlimited rulers, and are not easily brought to submission." (*Stategicum*, Chap. XI.) The same language is used also by the Emperor Leo. "The Slavs," says he, "are a free people, strongly opposed to any subjection." (*Tactica seu de re militari*, Chap. XVIII.) If the Byzantine historians do not speak any more of the invasion of the Slavs into the limits of the empire during the second part of the seventh century, it is because their emigration took at this time another direction: from the Carpathians they moved toward the Vistula and the Dnieper. It is in this way that in Mecklenburg, in Luneburg, and in Holstein, between the Laba and the Oder, the Oder and the Vistula, the Slavonic tribes of the Obordrichi, the Veleti, or Lutichi, and the Pomeriani settled. These were by and by Germanized during the thirteenth and fourteenth centuries, and almost totally disappeared during the fifteenth, leaving small remnants in Luneburg and Pomerania, where they are still spoken of as Vendi and Glovinzi.

The Slavs in Poland and Russia, however, were known under different names, as appears from the prologue of ancient Russian annals. Before this testimony is cited, it may be well to call attention to the fact that some of the names used by the author to indicate the different branches of the same Slavonic people have a patronymic origin, such as

those in *ich*, a suffix still employed to mark derivation. But the majority of the names given by the chronicle signify only the sort of country inhabited by the people in question—field or wood country; or again, the relative geographical position—to the north, for instance. Thence comes the difficulty of ascertaining how far such and such tribes may be considered as the ancestors of the now existing Slavonic people. For example, we are still at naught to say whether the Polians, from the word *Pole*, which means a field, are the ancestors of the Poles, as some Slavonic writers suggest (among them Pervolf), or whether the Poles come from the Lechs, a name used by the ancient annalist, when speaking of one of the last migrations of Eastern Slavs, that of two tribes, the Radimich and Viatich. The legend given by the chronicler describes them as the descendants of two brothers who lived among the Lechs. These tribes, not finding free, unoccupied land on the western bank of the Dnieper, had to cross and settle, the Radimich on the banks of one of the eastern affluents of the Dnieper, the Soja and the Viatich to the east of them, at the source of the river Oka. The fact that these, almost the last Slavonic emigrants, came from the country of the Lechs seems, to Professor Kluchevsky, a confirmation of the theory that the Slavs moved from the Carpathians on their way to Russia, and that the country lying at the foot of these mountains, the old abode of the Croats, as we have seen, was considered in the eleventh century, the time of the chronicle, as the land of the Lechs or Poles. Besides these more recent emigrants, we find, according to Nestor, the first chronicler, on the opposite banks of the Dnieper, the Polians and the Severians, or the "inhabitants of the field," and the so-called "northern inhabitants." The country of the former may be identified with the government of Kiev; the country of the latter, with that of Chernigov. Still farther to the north, near the source

of the Dnieper, the western Dwina, and the Volga, we find the Krivich, a branch of which, the Polochani, settled on the banks of the Dwina. More western tribes occupied the land between the Dwina and the Pripet, and were known under the name of Dregovichi. On the southern affluents of the same Pripet, in vast forests, lived the Drevliane—the men of the tree. Still farther west the Voliniane and Doulebs held the banks of the western Bug, and the most northern branch of the Slavs occupied the shores of the Lake Ilmen and the banks of the river Volchov, falling into that lake. The chronicler gives to them no special name other than that of Slavs of Novgorod.

If this short sketch of the Slavs inhabiting Russia during the ninth century, the time of the founding of the first principalities, has any meaning for us, it is that of showing that for a great length the Dnieper, with its numerous affluents on both sides, formed the limit of the Slavonic settlements to the east. This barrier was broken only by the Viatich stretching as far to the northeast as the source of the Oka. On the north the Slavs reached the great Valdai plateau, from which Russia's largest rivers descend, and the southern part of the great lake region, that of Ilmen. The rest of the wide area, from the Dnieper to the Volga, was held in the northern part by half stationary Finnish tribes, some of which have already disappeared: the Ves on White Lake, the Meria in that region now held by the government of Moscow and partly by that of Yaroslav, the Meschera in that of Riasan, and the Mordv, who extended to the east of the latter as far as Nijni Novgorod, but who now occupy, besides both banks of the Volga, partly those of the Yaik. Farther to the east were people of the Finnish race—the Cheremisses, the Votiaks, and the Permians. The first named live between the Volga and Viatka; the two last on the Kama. Farther to the north in the government of Vologda, and more especially in the


THE SLAVS
North of the Danube
in the Ninth Century.
SCALE OF MILES
0 50 100 200 300
22
32
42
50
White Lake
Novgorod
Lake Ilmen
BALTIC SEA
MERIA
(Meren)
CHEREMISES
Polochani
Dvina R.
Oka R.
MORDVINS
Bug R.
Pripet R.
DREGOVICHI
RADIMICHI
SEVERIANS
POLANIANS
SLAVS
Kiev
Dnieper R.
Volga R.
Don R.
KHAZAR KINGDOM
SOLOVZI
PECHENEGS
BULGARIANS
Danube R.
BLACK SEA
Caucasus
Caspian Sea
MASZ-Chicago
Longitude East from Greenwich

district of Mezen and the government of Archangelsk, live the Ziriane.* To the east of these people lived once the so-called Ougra; they have now disappeared from the north of Russia, where they had more than once to deal with the Slavs of Novgorod, who were colonizing the country. A part of the Ougra migrated to the Ural, and according to Professor Anuchin, are now known under the name of Voguls and Ostiaks, who stretch out, at least the latter, as far as the government of Tobolsk, and even to the western district of Tomsk in Siberia. In connection with these peoples, it is important to notice that many of the Finnish tribes, especially the Cheremisses and the Mordvs, were living on the west of the Volga. The Cheremisses dwelt on the lower part of the Oka, and the Mordvs in the immediate vicinity of the Slavs—a fact noticed by Constantine Porphyrogenete, in his treatise on the administration of the empire; Porphyrogenete calls them Mordia, whilst Jornandes mentions them as a people conquered by the Gothic king, Hermanric, and calls them Mordans.

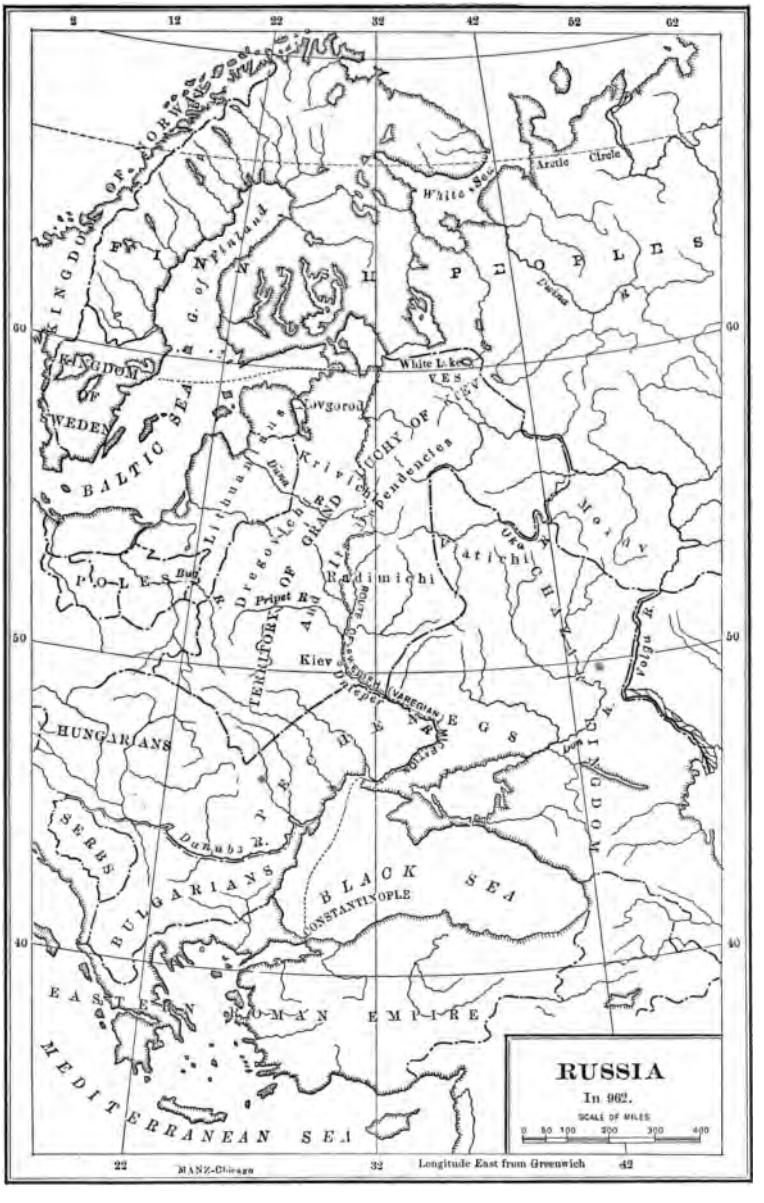
Whilst the northern part of the territory, lying to the east of the Dnieper, was occupied by Finnish tribes, the southern became the prey of nomadic invaders of unknown origin. With these tribes—the Pechenegs, Solovzi, and others—the Russian principalities had, during the eleventh and twelfth centuries, to contend, and later on with the Tartars from the empire of Tchingishan. These Tartars first invaded Russia in 1224-26; seventeen years later they possessed themselves of the lands held by the Polovzi and the Slavs. Under the leadership of Bati, grandson of Tchengis, they devastated Walachia, defeating the Polish and German knights in the Battle of Liebnitz. The Tartars settled, finally, in hordes. The chief one of these hordes dwelt along one of the branches through which the Volga

*A part of them meddled with people of Turanian race and are known nowadays under the name of Tchuvashes.

falls into the Caspian Sea. This encampment, somewhere near the modern borough of Zarev, was called Sarai.

We are now beyond the period of the first Slavonic settlements in Russia, and in order to show the later strata of which the population of the empire has been formed, we shall return to the origin of the first of the Russian principalities. It will only be necessary to cite the testimony of the first Russian annalist: the slavs of Novgorod, together with the Krivichi, and the Finnish tribes near the lakes, requested certain foreign princes to come and rule over them. The immediate reason for such an act was the impossibility of escaping the invasions and the exactions of the different half-nomadic tribes which had remained quiet for a while, under the supremacy of the Hazars, whose state had been established in the eighth century on the banks of the Volga and the Don. This people of a Turanian origin became sedentary and commercial. Having subdued the Bulgars of the Volga, and permitted the settlement amongst them of Arabian and Jewish merchants, the Hazars created a powerful state, with its capital, Itil, on the lower part of the Volga. Soon, under the influence of the Jews dwelling among them, they embraced the Hebrew faith. When, in the ninth century, their power began to wane, the merchants, descending the course of rivers, were no longer protected from the inroads and pillage of wild tribes, such as the Pechenegs.*

*We have some information on this subject in the earliest chronicle. Under the year 867 it relates how two chiefs, Askold and Dir, fought the Pechenegs in the neighborhood of Kiev. The Slavs had great difficulty in opposing the attack of these nomadic and warlike people, as they lived separately in distinct tribes, recognizing no other authority than that of the elders. Speaking of them, the Russian annalist says: "Each man lived with his kindred, and these groups of kindred occupied distinct territorial districts." The word employed by the annalist to designate these groups is *rod*. This word has the same meaning as *gens*, or *clan*. These clans were in time of peace in the habit of meeting together, in order to discuss common affairs. The chronicler uses the expression "came together" (*snidoschasia vkoupe*) when he wants to speak of decisions taken in common. This practice seems to have been


RUSSIA
In 962.
SCALE OF MILES
0 50 100 200 300 400
Longitude East from Greenwich
MANZ-Chicago
Arctic Circle
White Sea
Dwina
White Lake
Novgorod
Kiev
Dnieper R.
Dniester R.
Bug
Pripet R.
Volga R.
Don R.
Danube R.
Radimichi
Vyatichi
Krivichi
Dregovichi
Polyanes
Mordvy
Pechenegs
Bulgarians
Serbs
Hungarians
Poles
Lithuanians
Finns
Kingdom of Norway
Kingdom of Sweden
Baltic Sea
G. of Finland
Black Sea
Constantinople
Eastern Roman Empire
Mediterranean Sea
Kingdom of Khazars
Kingdom of Bulgarians
Dominions of Grand Prince of Kiev
Dominions of Prince of Novgorod
Dominions of Prince of Polotsk
Dominions of Prince of Smolensk
Dominions of Prince of Chernigov
Dominions of Prince of Pereyaslavl
Dominions of Prince of Vladimir
Dominions of Prince of Rostov
Dominions of Prince of Turov
Dominions of Prince of Galich
Dominions of Prince of Volhynia
Dominions of Prince of Lutsk
Dominions of Prince of Vitebsk
Dominions of Prince of Minsk
Dominions of Prince of Pinsk
Dominions of Prince of Kursk
Dominions of Prince of Tmutorokan
Dominions of Prince of Vyatka
Dominions of Prince of Ryazan
Dominions of Prince of Murom
Dominions of Prince of Tver
Dominions of Prince of Yaroslavl
Dominions of Prince of Kostroma
Dominions of Prince of Nizhni Novgorod
Dominions of Prince of Vladimir
Dominions of Prince of Rostov
Dominions of Prince of Turov
Dominions of Prince of Galich
Dominions of Prince of Volhynia
Dominions of Prince of Lutsk
Dominions of Prince of Vitebsk
Dominions of Prince of Minsk
Dominions of Prince of Pinsk
Dominions of Prince of Kursk
Dominions of Prince of Tmutorokan
Dominions of Prince of Vyatka
Dominions of Prince of Ryazan
Dominions of Prince of Murom
Dominions of Prince of Tver
Dominions of Prince of Yaroslavl
Dominions of Prince of Kostroma
Dominions of Prince of Nizhni Novgorod

Among the early privileges of the folkmote was that of choosing a ruler. According to the chronicler, it was of this privilege that the Slavs of Novgorod made use when sending to the Varegs and inviting a certain Rurik, from the people called Russ, to be their prince. The chronicler says that they did so because they were not at peace among themselves—kindred having risen against kindred—and justice was no longer in existence. Who were the people to whom the Slavs of Novgorod and the Finns residing in their neighborhood, as the chronicler says, appealed for a prince to command and judge them, seems to be settled by the researches of a Danish historian, Thompson. Thompson has shown that the word *Vareg* is a Slavo-Russian form of a Scandinavian word, *Wering* or *Warang*. If we analyze the names of the first rulers of Vareg origin in Russia, we find them bearing Scandinavian names; thus Rurik appears in Scandinavian Sagas as Hrörek; his brother Truvor as Thorvardr; his nearest relative Oleg, with an aspirate breathing on the first syllable, as Helge; the next Russian prince, Igor, as Ingvar, and his wife Olga as Helga; the Vareg invader of Kiev, Askold, as Höskulde. The reason why the Slavs and Finns appealed to Scandinavian princes, and not to others, or rather had to submit to them, lies in the fact that years before, the Varegs, as mentioned by Byzantine and Arabian annalists, were descending the rivers, such as the Dnieper and the Volga, in order to reach either the shores of the Black Sea and thence

known to all Slavonic people, from those settled on the Baltic, to the Tchechs of Bohemia and the Poles. Helmold and Ditmar, of Merzeburg, speak of a general convocation of all the Slavs on the Baltic, of their unanimous votes; and the Latin chroniclers employ the words *conventus generale colloquium*, or *general iscuria*, when treating of the folkmotes of Bohemia and Poland. Among Russian Slavs these folkmotes were known under the name of *veche*. It remained, as has been fully established by Professor Sergievitch, a necessary part of the political institutions, not only in our northern city republics, Novgorod and Pskov, to the end of their existence, but also in nearly all the principalities of Russia, with the exception of one of the latest founded, Moscow.

Constantinople, or the mouth of the Volga and the capital of the Hazars.

The Arabian writer Ibn Tozlan knows a people called Russ, and speaks of them as half traders, half warriors. He gives us a very vivid description of their habit of burning dead men together with their goods and the living forms of their wives and servants—a kind of funeral very like that in use among Scandinavians. Ibn Tozlan met the Russ on the Volga; but the oldest of Russian chronicles, and some of the western ones, speak of military bands, who in the service of chiefs like Askold sought for booty in Constantinople, and of a Russ embassy's reaching Byzance, and being sent thence to the son of Charles the Great, the emperor *Louis le Débonnaire*. This last fact is commemorated under the year 839. The Latin chronicler adds, that the men who composed this embassy were identified with Sveonians or Swedes. At a time when the Vikings were founding new realms in Iceland, Normandy, and Sicily, no wonder that they made themselves equally well known in eastern Europe by expeditions half warlike, half commercial. Some of them settled with their followers in Novgorod, whilst others on the White Lake and in Tzborsk,* and others again, namely Askold and Dir, on the Dnieper in Kiev. These last were soon subdued by one of the family of Rurik, namely by Oleg, who in this way united both principalities, the northern and the southern one.

From Kiev the descendants of Rurik continued their inroads into Constantinople, which sometimes ended with the conclusion of a treaty of commerce like those of Oleg and Igor; both have reached us in the text mentioned by the so-called chronicle of Nestor.

It is not the purpose here to give even a short sketch of the way in which the Vareg principalities of Russia united

* This is the meaning of the legend of the three brothers, Rurik, Sineous, and Truvor, settling with their military bands in the above-mentioned places.

for a time under a single head, then broke up after the death of Yaroslav, the son of Vladimir the Holy, called so for having introduced into Russia Greek Christianity. Suffice it to say that from the eleventh century Russia was split into a great number of higher and lower principalities, all under the rule of the same dynasty of Rurik, and under the more or less nominal headship of the grand duke of Kiev. The Russian system of appanages thus approached those of the feudal monarchies of western Europe about the same period. Such a system, of course, weakened Russia's power of resisting foreign invaders, and it tended likewise to keep the small dukes in a state of continual warfare.

The system of government established in these Russian principalities of the eleventh, twelfth, and thirteenth centuries was far from being autocratic. The people kept its ancient right of discussing the current affairs of the state in folkmotes, and even of choosing its rulers, but on condition of selecting them from among the members of the dynasty of Rurik. The folkmotes were known in old Russia under the name of veche. The chronicles, when they speak of those summoned to these assemblies, briefly note the presence of all the citizens of a definite urban division. Expressions such as the following are also more than once met with in the course of the narrative: "The men of our land," "the whole land of Galich," and so on. Hence, it is evident that we have to deal with a thoroughly democratic assembly. But it does not follow that all the inhabitants of the city were summoned. The veche was not so much an assembly of the whole people as that of the heads of families, or rather of the natural chiefs of Slavonic house communities known to the earliest code of Russia, the Pravda of Yaroslav, under the name of "verv."

On several occasions the unknown authors of Russian chronicles seem to imply that the men assembled at the folkmote made certain engagements, not only on their own

behalf, but also on that of their children. For instance, "the men of Kiev, in folkmote assembled," declare in 1147, that they will fight against the House of Oleg, one of the branches of the dynasty of Rurik, not by themselves alone, but also by their children. This declaration clearly shows that children did not appear at a Russian folkmote, but that their absence was solely caused by their personal dependence on the head of the undivided family. We may, therefore, infer that all those who were not free to dispose of themselves were excluded from the veche; and such was the case as regarded certain members of undivided households and those who had forfeited their liberty through war or debt. In a society based, like the old Russian, on the principle of blood relationship, undivided households must have been numerous, and the fact that the heads of these households were alone summoned naturally diminished the number of persons composing the veche. It may, therefore, be easily understood how a large square, such as those on which the princely palaces of Novgorod or of Kiev were built, was quite able to contain an entire assembly, notwithstanding the fact that the citizens were not the only persons admitted to the meetings of the veche, for the suburbs and even the neighboring townships had the right to have an equal share with them in the management of public affairs. The chronicles very often mention the presence of the "black people," "the smerds," and the so-called "bad peasants" (terms designating the agricultural population of the country) at the veche.

The Russian veches admitted no other mode of settling public affairs than that of unanimous decision. Whenever the chronicler has occasion to speak of one of their deliberations he employs such expressions as the following: "It was established by all the oldest and all the youngest men of the assembly that," etc.; "all were unanimous in the desire"; "all thought and spoke as one man," etc.

If unanimity could not be arrived at, the minority was forced to acquiesce in the decision of the greater number, unless it could persuade the members of the majority. In both cases the veches passed whole days in debating the same subjects, the only interruptions being free fights in the street. At Novgorod, these fights took place on the bridge across the Volchov, and the stronger party sometimes threw their adversaries into the river beneath. A considerable minority very often succeeded in suspending the measure already voted by the veche, but if the minority was small, its will had soon to yield to open force.

The competence of the Russian folkmote was as wide as that of similar political assemblies among the western and southern Slavs. More than once it assumed the right of choosing the chief ruler of the land; but it was not an unrestricted right which they enjoyed, the choice being confined to members of the family of Rurik; for the Russians considered that outside Rurik's dynasty no one had a right to exercise sovereign power. The folkmote was merely empowered to give its preference to some distinct line of the house of Rurik; for instance, to that directly descending from Vladimir Monomach, from which the veche of Kiev elected its rulers. It was also free to pronounce in favor of a younger member of Rurik's family, notwithstanding the candidacy of an older one. The choice made was often in open contradiction of the legal order of succession maintained by the dynasty of Rurik. This order was very similar to the Irish law of tanistry, according to which the chieftainship devolved upon the oldest representative of the reigning family. In practice it generally meant the succession of the deceased's next brother, not that of his eldest son. Open force had very often to decide which of the two systems, that of free election or that of legal succession, was to prevail.

Whatever was the issue of such a struggle, the new ruler

was admitted to the exercise of sovereign power only after having subscribed to a sort of contract by which he took upon himself the obligation of preserving the rights of those over whom he was called to rule. These very curious documents, known under the name of "riad," have unfortunately been preserved in only one of the Russian principalities, that of Novgorod—a fact which has induced many scholars to believe that this right of covenanting with the duke was limited to this northern principality. Professor Sergievitch was the first to prove, by a considerable number of quotations from Russian chronicles, that covenants like that of Novgorod were known all over Russia. More than once mention is made of a prince who secured the throne by a compromise with the men of Kiev (*s liudmi Kieva outverdisia*). These compacts or covenants between prince and people, so far as they are known to us by the few examples preserved by the chronicles of Novgorod, were a kind of constitutional charter securing to the people the free exercise of their political rights, such as the right of the folkmote to discuss public affairs, and to elect the ruler of the state. This latter right had been already guaranteed to Novgorod by a general assembly of Russian dukes held in 1196. We read in the text of the decisions come to by this princely congress: "All the dukes recognize the liberty of Novgorod in choosing her ruler wherever she likes." Other constitutional restraints on princely power are: no declaration of war without "Novgorod's word"; no foreigner to be nominated to the post of provincial governor (*volostel*); no public official to be dismissed without legal cause, acknowledged to be such by the decision of a court of law.

Our review of the agreement signed by the prince on his accession to the throne has already revealed to us some of the functions of the veche. Questions of war and peace were regularly decided by it. No war could be begun but

with the consent of the people, because, in the absence of a regular army, the prince could levy no other force except the militia. Treaties of peace and alliance were also signed in the name of the prince and the people, as may be seen from the following words used in the treaty of Igor with the Byzantine empire in 945: "This treaty has been concluded by the grand duke of Russia, by all the dukes whatsoever, and by all the people of the Russian lands." Sometimes, it is true, the prince decided on going to war against the wish of his people, but in such a case he had to rely exclusively on his own military followers, his so-called "drougina," an institution very like the old German "comitatus" (*Geleit*). As long as the system of land donations remained unknown, and the duke had no other property to distribute among his followers than that taken in time of war, the drougina or comitatus was far from being numerous. Hence the duke was forced to ask the veche for assistance whenever he thought himself obliged to go to war. The veche either agreed to his demand and ordered the levy of military forces, or refused all help; in the latter case the duke had no alternative but to abandon his project entirely or resign his throne.

One can see, from this very short and incomplete sketch of the old Russian folkmotes, that mediæval Russia was a loose federation of principalities, in which the people were wont to exercise, on a larger or smaller scale, different attributes of sovereignty. This, of course, weakened the power of Russia for resisting foreign invaders, kept the small states in constant warfare with one another, and made them easy prey to the eastern nomadic tribes from the Polovzi to the Tartars.

So far, we have been able to show that the Slavs were not the first inhabitants of Russia but that people of Aryan origin had dwelt, at least in the south, as far back as the time of the settling of the Greek colonies, on the Black and

Azov Seas, and that, side by side with these people, many a Turanian tribe, migrating from Asia to Europe, has left its remnants in the southern provinces of Russia, beginning with the Hungarians or the Tvers (the Ongri and Obri of Russian annals) and ending with the Bulgars, who once possessed a powerful empire on the Volga, united different Finnish tribes under their rule, and were destroyed and partly replaced by another Turanian race, the Hazars. To these latter, the Slavs, whose emigration from the neighborhood of the Carpathian Mountains began in the second half of the seventh century, had sometimes to pay tribute. When the power of the Hazars weakened, people under their dominions, such as the Pecheneg, and later on, the Polovzi, became the ordinary foes of the Slavs and prevented their extension much beyond the eastern frontier of the Dnieper and its affluents. The more peaceful relations of the Slavs with the Finnish tribes living in the region of the great lakes and as far to the south as the banks of the Oka and its affluents, amongst them the river Moscow, resulted in the establishment of mixed principalities, under foreign chieftains of Scandinavian origin. Further invasions from the east, ending in the occupation of the whole south and southeast of Russia by the Tartars during the thirteenth century, not only brought an end to the existence of independent Slavonic states in southern Russia, but also made the western part of it an easy prey to Lithuanian conquerors of the house of Gedemin. This last event was prepared by the fact that a great number of the population fled from the devastations of the Tartars and sought refuge in the woods and moors. The principalities lying on the northern course of the Volga, as well as the free republics of Novgorod and Pskov, pursued the work of colonizing with a Slavonic population both the east and the north of Russia. This colonization took the more easy form of establishing factories and citadels on the course of


RUSSIA
From the founding of the Grand Duchy of Moscow in 1328 and the establishment of the Grand Duchy of Lithuania down to the Overthrow of the Golden Horde in 1480.
SCALE OF MILES
0 50 100 200 300 400
ARCTIC OCEAN
White Sea
Novgorod
Moscow
GOLDEN HORDE
Kiev
Sarai
Caspian Sea
Black Sea
GRAND DUCHY OF NOVGOROD
Dvina R.
Volga R.
Vistula R.
Dniester R.
Dnieper R.
Don R.
Volga R.
Danube R.
Black Sea
Caspian Sea
BALTIC SEA
Riga
LIVONIA
Novgorod
Tver
Moscow
Vistula
1459
KINGDOM OF THE BULGARIANS
Wilna
Plock
Lithuanians
Smolensk
GEDIMINS
GRAND DUCHY OF MOSCOW
POLAND
Volhynia
Kiev
GALICIA
Moldavia
TARTAR KINGDOM
22
32
42
52
60
50
MANZ-Chicago
Longitude East from Greenwich

large rivers, such as the Volga and Kama, the Ural and the Yaik in the east, the Dvina and the Pechora in the north.

It is also in the central region of modern Russia, first inhabited by Finnish races, that the later colonization of the Slavs ended in the formation of the great Russian people of mixed blood, as the reader will already have seen. It is this people that the grand dukes, and later on the Czars of Muscovy, united under their rule, whilst the more southern and western branches of the Slavs constituted, under the power first of Lithuanian and then of Polish princes, the people of Little and that of White Russia. Each of them speaks a different dialect, even nowadays, at least in the villages.

No less was the importance of the Muscovite power, and of the great Russians under it, in the overthrowing of the might of the Tartars, and in the consequent absorption of the different Khanats, into which the great horde established at the mouth of the Volga had split. Ivan IV. began this last policy with the conquest of the Khanats of Kazan and Astrakhan, and Catherine II. brought it to a happy end by annexing the Crim Tartars. It might even be said that the extension of the Russian power over the dominions once under Mongol rule has gone on almost to our own days. Many parts of Transcaucasia, which became Russian only in the last century, are occupied by Tartars; and the Turkestan, as well as the Caspian dominions, both of which Russia acquired in the reign of Alexander II., are peopled by the Turanian race. It is in this way that the number of nations coming under Russian rule has been increased both by Tartars, as those of Kazan and Astrakhan, and by people of the most different origin once placed under their rule. Only the Kirghiz and the Bashkirs need be mentioned here. And besides these additions, and years before Russia's conquest of the Tartars, Ermak, a Ural or Yaik Cossack, began, under Ivan III.,

the annexation of the Siberian races, part of which were united under the command of a certain Kutchum. This extension of Russian rule in the northeast went on uninterruptedly until the reign of Nicholas I., when it reached the banks of the Amur. The Chukchi and the Kamchadals on Behring strait, the Hilvaks of the Amur, and the Ainos of the Tachalin, do not offer much resistance to Russian absorption, but it is quite otherwise with the Toungouse and the Ostiaks; these latter peoples are declining rapidly in numbers. The Yakouts, on the other hand, seem called to a longer existence, and the same may be said of the majority of the people Russia has subdued, or permitted to become her subjects, in the Caucasus and in Transcaucasia. The attempt will not here be made to give the reader the names of these peoples. Most prominent among them, however, are the Georgians and Armenians, who formed a single kingdom—Georgia—and passed voluntarily under Russian rule. The subjection of the mountaineers was a more difficult task. Some of them—the natives of Alchazia, for instance—either preferred or were forced to emigrate to Turkey. Although this happened in the middle of the nineteenth century, it was quite after the manner of the Tartars, part of whom, at the end of the eighteenth century, left the peninsula of Crim. But the majority of the natives, beginning with the Kabardans in the west, and ending with the Tcherkess, the Tchatchen, the Koumouk, the Lesgh, and fifty or sixty other smaller tribes of the Daghestan, differing from each other in language, remained under Russian rule and are quite pacified. Since the surrender of Schamil so orderly has been this country that one may travel from end to end without escort. The author himself, on three different occasions, passed weeks and months in the lofty Caucasus valleys, and traversed the whole of Daghestan from Zakatali to Derbent with no more dangerous weapon

than a pen-knife. These people are markedly kind and hospitable. There can be no doubt, however, that among those who have embraced Mohammedanism there is a higher moral standard than among those who have become Christian. For the mountaineers of Georgia accepted Christianity in a quite formal way, so that pagan prejudices and the grossest immoralities have been able to creep in, and may not be met with among the Svanets, the Pschovs, and the Touschins.

The labor of identifying the origin and character of the languages spoken by all these people of the Caucasus and of Siberia is only in its beginning. Some languages of the Daghestan, however, have been studied, in a superficial way, by Baron Ouslar. The only nation whose grammar has been scientifically treated by a real linguist, the professor of Sanscrit, Vsevolod Miller, are the Ossets. About the Siberian tribes we can expect serious information only from the future. What a difficult task it is to define the origin of all these people may be illustrated by the example of two of them, the Bashkirs and the Kalmucks. The first, a mixed race of Finnish and Turanian origin, was known to Arabian writers of the tenth century, and later, to the Italian travelers of the thirteenth and fourteenth centuries, principally to Plano Carponi. The Kalmucks came from China. In the time of Alexis their number was large enough to endanger the maintenance of Russian rule in the eastern provinces of European Russia. From this time most of the Kalmucks recrossed the frontier and returned to their former abode, whilst the remainder were allowed to lead a nomadic life on the steppes of the government of Astrakhan and partly on those of Stavropol. The Kalmucks have an organization of their own and a Buddhistic clergy, a feature common to them with another people of unknown origin—the Bouriats of Siberia, who possess an independent ecclesiastical organization.

The author would like to insist on the necessity of the immediate study of these barbarous languages, since many of the people who use them are rapidly disappearing. The Ostiaks and the Toungouse, for instance, are dying out; the causes seem to be epidemic diseases, the intemperate use of alcoholic beverages, and to a certain degree, the seizing of their best lands by peasant-colonists from European Russia. Their wooded places are thinned out or destroyed completely. The new-comers change their ancient pasture lands into inclosed farms, while they, a hunting and a shepherd people, unable apparently to adapt themselves to the new conditions, often starve. A German writer, Professor Brückner, well aware of all these facts, considers, nevertheless, the uninterrupted advance of Russia in Asia as a benefit to civilization. The author will not contradict his assertion, but only complete it by saying that the Russian advance also signifies the complete disappearance, in a more or less distant future, of the native races. In this, of course, Russia is neither better nor worse than the English or American peoples in their colonizing of the Indian districts. And it may even be said that the difference, so far as the general standard of life and public instruction is concerned, is, between a Russian peasant and a native, so slight that both live side by side in great harmony. In some cases, whole Russian villages have adopted the mode of dress, the manners, and habits common to the natives. It was in this way, indeed, that the Cossacks, ordered to keep watch on the Tcherkess, ended by looking very much like them. In Siberia, too, Russian colonists have been known to turn "Yakouts."

Whilst the extension of Russia found no serious impediment in the east, at least from the moment when the Tartar power broke up, such was not the case in the west. Poland and Lithuania having constituted a single political body at the end of the fourteenth century, a large and powerful

state arose which, for a long time, prevented the Russians from uniting under their own rule all the branches of the eastern Slavs. Beginning with the time of John the Terrible, the Russian czars entered into an almost uninterrupted conflict with the Poles, in order to extend their western frontier. The principality of Smolensk passed very often from the hands of the Russian rulers into those of the Poles, and *vice versa*, until, in the years 1611 and 1612, the question rose, whether Moscow itself had not to receive a Polish king. The question at last was settled in favor of Russian autonomy, but Smolensk soon passed again into the hands of the Poles. It was only in the time of Alexis, son of Michael, the first of the house of Romanov, that Poland had to yield to Russia not only this long disputed possession but also the whole southern part of its own territory. It was occupied by the Cossacks and excited to rebellion by the oppression of the Greek orthodox church, and an unsuccessful attempt to convert the common people, if not to Catholicism, at least to an outward submission to the pope, known under the name of "Urban," and already decreed, if not established, by the Council of Florence (fifteenth century).

The year 1648, which saw an end to the dominion of Poland over Little Russia, was also the beginning of the dismemberment of the great and chivalrous republic. This dismemberment advanced considerably in the time of Peter the Great, when part of the Baltic provinces, an apple of discord between the Swedes and the Poles, was annexed to Russia. The three divisions of Poland in the reign of Catherine II. brought, of course, no end to this martyrdom of a chivalrous people, badly governed by a selfish aristocracy. Once master of the Poles, except those living in Posnan and Galicia, Russia united under its rule the Baltic provinces, with their mixed population, consisting (1) of German nobles, directly descending from the Knights of the Teutonic order;

and (2) of the natives subdued by them in the fourteenth century, such as the Ehsts, already known to the first chronicles under the name of Tchud. The Ehsts, of Finnish origin, are spread over Esthonia, the Livs of the same kin, who gave their name to the province of Livonia, but who have since died out almost entirely in its limits, being still represented in Courland. But the bulk of the population is formed in these Baltic provinces of a people of Lithuanian stock, and therefore of Aryan origin, the Lettish. The Cours, who have given their name to Courland, were a kindred branch. The bulk of the population in the western provinces of Russia is composed of the Poles, supposed to be descended from the ancient Lechs, named in the chronicle of Nestor; Lithuanians, who dwell on the lower course of the Vilisant, and the lower course of the Nieman; a branch of them, known as the Jmud, who live in the western part of the government of Covno; and the so-called White Russians, who dwell in the provinces of Mohilev and Minsk, and partly, also, in Grodno and Vilna.

But Poland was not the only nation that suffered from the encroachments of the growing Russian dominion; another country to yield was Sweden. Under the pretense that more than one Finnish province had formed a part of the territory of Novgorod, the celebrated town republic of the north, Peter the Great demanded and obtained from the Swedes the banks of the Neva, on which he built the new capital, Petersburg. Then, in order to insure its peaceful standing on the Finnish gulf of the Baltic, he and his successors annexed, first, the southern provinces of Finland, and then, in the reign of Alexander I., the rest of the country. They granted, however, a free representation and a recognition of all this land's old rights and privileges.*

*The population of Finland, with the exception of a minority of Swedes, forming the upper class, and of a few Russians, is composed almost entirely of Finns, divided into two branches, the Tavasts and Korels. A line drawn from Viborg to the northwest of the Bothnian

By the annexation of Poland and Finland, Russia became, besides a naval power, with a water front consisting of the whole eastern shore of the Baltic, an empire equal, so far as extent of territory and number of inhabitants are concerned, to the second greatest empire of the world, the first being the British.

A sixth of the whole land-surface of the globe is now under the rule of the Russian empire, which, according to the last census, has a population of about one hundred and thirty millions (129,000,000). Its colonies, such as Siberia, Turkestan, Transcaspia, and Transcaucasia, form a single block with the mother country. They present not only great strategical opportunities, but also the advantage of easy migration for colonists who do not have to leave the mother country at all in their journey. The Russian empire contains the most varied conditions of climate, from the tropical to the arctic. Grapes, oranges, olives, rice, and cotton grow in certain parts of it, whilst the black soil of a good many of the southern provinces is marvelously adapted to the cultivation of wheat; and the mixture of clay and sand, common to the area lying farther to the north, to that of rye. Add to this the natural wealth of Russia in mast wood, and at least in the northern provinces, in iron, coal, and mineral oils, the easy communication offered by the navigable rivers, which water the country from north to south, or in the opposite direction, and one sees that, with

gulf, may be considered the boundary between them. The Tavasts are nearer to the sea; the Korels lie to the east of the above-mentioned limit, forming in this way the bulk of the interior population of the country. The north is occupied by the Laps, who are considered to have been the primitive settlers of Finland. Their first abode seems to have been much more to the south, on the shores of the lakes Ladoga and Onega. They call themselves Same, or Sameedna. They gave to Finland its first name, Suomi, under which it was known to the remotest Russian Slavs, who called it Suom. The Finns extend also over the government of Petersburg, where they are known under different names. The most widely spread are those of Tjora, or Tingri, and that of Chouchna. You hear this word very often employed in a sense of abuse by the inhabitants of the capital, when speaking of servants and people of low birth.

the possible exception of the United States, no country possesses physical conditions more adapted to the development either of agriculture or of industrial trade. And the Slavs, the greater part of the inhabitants of Russia, are from the same root-stock as the English, French, and Germans, to say nothing of the old Romans and the Greeks. Moreover, the mixture of Slavs with Finns and Tartars could only produce—and in reality has produced—a vigorous, hardy, able race, such as has been and still is the case with any people which does not practice tribal exclusion in the matter of marriage.

The future chapters of this book will deal with considerations of how far the political institutions of Russia have favored or prevented the development, both of the people and the country. Or they may be offered as an answer to this question: What really was Muscovy at the moment when it first began to play a part in the history of western Europe; how much have its genius and characteristic institutions been remodeled under the influence of more advanced civilizations; to what extent have these adaptations been successful, and what yet remains to be done if Russia is to secure that material and moral well-being which the government has the power, if not to create, at least to increase and develop?

CHAPTER II

OLD MUSCOVITE INSTITUTIONS UNDER THE FIRST DYNASTY.

In the year 1553 Chancellor, seeking for a new route to India by the North Sea, landed in the bay of Cholmogory, and discovered, at least for his own countrymen, the fantastic czardom of Muscovy. During the next generations English merchants, united in a famous company, opened important factories in Vologda and Archangelsk, exported large quantities of Russian mast wood, of flax, and of linen, did their best to monopolize this sort of trade by excluding both Dutch and Spaniards, and tried, with the permission of the Czar Michael, to find a new way to Persia by the Volga and the Caspian Sea. Although unsuccessful in this last enterprise, these merchants continued to derive great advantages from their peaceful intercourse with Russia, and the prominent part one of them, John Merrick, had taken in the conclusion of a treaty between the Czar Michael and Gustavus Adolphus. The Czar Michael allowed English merchants, with other foreigners, to settle, if not in Moscow, at least in one of its suburbs, known in later days under the name of *Neme Kaia Sloboda*, the German borough. The quantity of English merchandise introduced in the middle of the seventeenth century increased to such an extent that Russian tradesmen, on several occasions, petitioned the Czar Alexis to protect them from the foreign competition by means still in use in America, as well as in Russia—almost prohibitive duties. This commercial policy triumphed for a while, setting a barrier against the further importation of English goods. But in the next thirty

years, when, under Peter the Great, Russia had to compete with European nations in the large field of material progress, English skill and English industry were once more required, and from this time never ceased to take a prominent part in the technical development of the country.

Now that we are aware of the way in which England and Europe came into contact with Russia, let us ask ourselves what was this czardom of Muscovy, so opportunely opened to the commercial competition of English capitalists and merchants.

Chancellor found Russia governed by one of the most able men that ever ruled over her destinies. It was John IV., better known under the sobriquet of the Terrible. The first thing English statesmen heard of him was his warlike reputation. He wanted to fight with the Poles and the Swedes and the Tartars, in order, as he said, to enlarge his "heritage." To the Tartars, he succeeded in giving a mortal blow by the suppression of the Khanats of Kazan and Astrakhan. He also annexed Russian principalities which had still preserved a sort of independence, or had become parts of a neighboring kingdom, that of Lithuania.

In all this John the Terrible proved to be a direct follower of the policy of the first dukes of Muscovy. Beginning with Ivan Kalita, these able princes took advantage of the geographical position of their small state, surrounded, as it was, by woods and moors, and therefore almost inaccessible to the Tartars. Although professing an allegiance they remained almost independent of the Great Horde established on the shores of the Caspian Sea, and otherwise known as the Golden Horde. Less impulsive than the southern branches of the Rurik dynasty, the descendants of Kalita, instead of fighting the Khans, bribed them with magnificent gifts, and succeeded in this way in becoming the farmers of the tribute, or Tartar *geld*, paid by the people of the different principalities of Russia. Very sel-

dom visited by the barbarous hordes of the Mongolian intruders, the state of Muscovy soon became the refuge of all the runaways, of all those who fled at the approach of the Tartars.

Enriched by the farming of the Tartar *geld*, and the rapid increase in the number of their subjects and tax-payers, the Muscovite princes soon met with a powerful ally in the founder of the great abbey of Troitzko-Sergievsk, situated close to Moscow. The first abbot, Sergius, the adviser of Dimitr Donskoi, that popular hero of the first successful battle fought by Russian troops against the Mohammedan invaders, was soon considered as a saint, and crowds of people yearly came to his shrine, in the cathedral church of Troitsk. Kiev, the first see of the Russian metropolitan, being constantly exposed to the invasions of the Tartars, the abbey of Pechora, in the vicinity of the city, began to lose its former importance in favor of Troitsk, founded by the holy Sergius. This abbey became, by and by, what that of Canterbury was for Englishmen before the Reformation. Another factor besides the high veneration in which the abbey was held enhanced the popularity of the rulers of Moscow: the city became the permanent residence of the chief representative of the Russian orthodox church. Kiev was not safe enough for him, and after a short stay in Vladimir, he settled in Moscow, as a powerful ally of its ruling dynasty.

The metropolitan soon became the loyal supporter of the Muscovite dukes, who achieved the hard task of uniting the great Russians and absorbing as well autonomous city republics, such as Novgorod and Pskov, as independent principalities like Tver, Rostov, Vladimir, Smolensk, and so on.

The interior organization of the dukedom, and later on of the czardom of Muscovy, was marvellously adapted to the scope of unlimited expansion as far as the Russian

tongue and orthodox religion extended. Historians sometimes speak of it as of an enlarged manorial system, sometimes as of a sort of military camp. It was both, with this peculiar feature besides, that manor and camp remained open to all new-comers. They might be Russian, Lithuanian, or even Tartar adventurers of princely blood, in search of service and land, or they might be free peasants desirous of acquiring the same land in hereditary tenure on condition that a certain amount of capital necessary for exploitation should be advanced to them by the proprietor; both classes were sure of being well received, either by the duke or the rural aristocracy. For the rising state was richer in land than in inhabitants, and ready, therefore, to insure to all new-comers the possibility of a yearly income proceeding from the cultivation of open fields and wastes.

The military attendants, the so-called "men of service," were enrolled in the army of the duke, and paid in the form of military benefices or grants of land, which did not become the permanent possession of the military attendant, but were held by him during effective service.

The free cultivators of the soil, known under the name of *serebreniki*, from the word *serebro*—silver or capital as advanced to them by the proprietor—were established on the open fields belonging either to the duke or to some other land-owner. They received from the proprietor the necessary amount of seeds, cattle, and wood, and sometimes money, so that they became able to cover the first expenses of their establishment on virgin soil. On these conditions they consented to serve as soldiers, under the leadership either of the duke or of some of his subordinate chiefs, and to pay taxes to the state. Besides this they were charged with rents in kind or money and gave in time of harvest their unpaid help to the slaves, or *cholopi*, who were settled on the manorial lands and performed their customary services, or "boon-works."

Those who are acquainted with the economical arrangements of the mediæval manor in England, France, or Germany, will have no difficulty in identifying the help afforded on certain days of the year by these free tenants of Muscovy with the "love-boons" of Anglo-Saxon days, which were also known under the Latin name of *precariæ autumnæ* all over the continent of Europe. So true is it that legal institutions are created, not so much by the peculiar genius of such and such a nation or race, as by the necessities of life, that these may be the same among people of different blood and of ages centuries apart. No wonder, therefore, that without any direct imitation, we see in the legal conditions of the free tenants of Muscovy, as well as in those of the Muscovite rural slaves, more than one feature common both to the free *coloni* and the *glebæ adscripti* of imperial Rome and to the *soemen* and *villains* of mediæval England in the time of the Plantagenets.

The same parallels might be drawn between the military tenures accorded in exchange for services by the Muscovite dukes and those of which the Anglo-Saxon thanes, and later on the knights of feudal England, had all the advantage. The fact is well known that in the time of Beda cultivated land was considered to such an extent the natural appanage of the men of service, that Anglo-Saxon kings were blamed for the foolish liberality they showed in granting to monasteries lands that ought to have been reserved exclusively for the remuneration of military service. This idea reappeared more than once in the history of the European continent, where none other than Charles Martel endowed, on like grounds, his military followers with lands already in the possession of the clergy, and where in Moscow, as early as the sixteenth century, the question was opened whether monastic property ought not to be confiscated in order that "no land might remain out of service." Although the Muscovite military benefices corresponded to

remunerating the service of the state by gifts
was common to the feudal monarchies of the
Russian historians are not well inspired when
the military benefices of Muscovy to be
genuine institution. The fact is that before
century we never hear of Russian princes pay-
otherwise than by distributions of money
coming part of the booty taken in war, whilst
of military tenures under the name of *iktaa*
known to the whole Mohammedan world, and more
to the Tartars centuries before the appearance
practice in Muscovy. These considerations
author to declare that this kind of practice has
introduced into Muscovy and other principalities of
imitation of the Tartar Khanats.

operation on a large scale of this system of endow-
of service" with landed benefices was certainly
attract to Muscovy a great number of military
from all parts of Russia, as well as from the
countries of the east and west. In this way
princes of the once ruling dynasty of Gede-
the Golitzin and Troubezkoi, came to increase
the Russian landed aristocracy. Side by side
outlaws from Germany, as the Tolstoi or Scher-
Russian princes of the ruling dynasty of
the Lobanov-Rostovsky, the Krapot-
Finnish and Tartar rulers, like the
and Ourouosov, not to speak of
origin, formed the bulk of the
All these families settled during the
centuries within the limits of the rap-
side by side with the descendants
the dukes of Muscovy, among
representatives of the family of Romanov,
all know, our modern emperors.

Thus Russian aristocracy was from the beginning a mixture of most discordant elements, foreign and domestic, in which princely families are not to be considered of better birth than simple untitled nobles, like the Romanov or the Scheremetiev. The fact that Russia never knew of a law of primogeniture, except during the short period from 1721 to the accession of Anne, in 1730, and that, therefore, landed property as well as titles passed by inheritance to all the descendants of a noble house, must be considered as the chief reason why Russian aristocracy, instead of increasing in importance and wealth, was constantly led on the way of losing both. And this may be said of it, almost from the day of the first settlement of foreign princely families within the limits of the dukedom of Moscow, or rather from the moment when, from being transitory, this settlement became permanent. In order to understand the last part of this sentence, one must know that military men seeking service and remuneration in land were in the habit of changing their rulers; they left one duke after the other, according to their personal interest and inclination. This liberty of passing from one allegiance to another was formally recognized by the treaties of alliance in which Russian dukes entered sometimes with one another. "Free servants ought to enjoy the liberty to go or stay with us as they like." Such is the consecrated formula by which the right of migration from one dukedom to another is spoken of in this sort of document.

Previous to the territorial extension of Muscovy, its rulers were personally interested in the maintenance of such customs. The great liberality with which land and booty were given to the serving men by the rich and warlike descendants of Ivan Kalita, was bound to increase the number of their followers to the detriment of neighboring princes. But later on, when, from a small dukedom, the Muscovite state became the largest principality of Russia,

its grand dukes and czars considered it well to treat as rebels all those who, having taken service in their army, tried to depart from it in order to get land and employment from some other ruler. In the interesting correspondence of John the Terrible with one of such rebels and emigrants, the famous Prince Kourbski, we find traces of this conflict between the old theory of free service and the new practice of confiscating not only the military benefices, but even the hereditary estates of those who transferred their allegiance to some new potentate. Kourbski insists on the novelty and injustice of such proceedings, whilst in the eyes of the czar only capital punishment and the annihilation of the whole family seem to be a sufficient punishment for a conduct considered as faithless and traitorous.

In order to retain military men in service, the czar of Muscovy adopted at the same time some measures likely to increase the revenues of the lands granted in benefice. The most prominent and efficacious consisted in restraining the liberty of the free tenants, settled on the estates, to transport their homestead to some foreign manor. It was not yet what we mean by bondage, which was introduced only in later times, during the reigns of the first three monarchs of the present dynasty. It was something like that fixation to the soil which in imperial Rome made of a free but indebted farmer what we understand under the name of *colonus;* that is, a freeman who had not the right of changing his homestead.

Economical difficulties were at this time, as well as centuries before in Rome, the determining factors of such an evolution. The government took advantage of the indebtedness of the farmer in order to prevent him from leaving the estate unless some landed proprietor consented to pay the amount of his dues, on condition of retaining him from that time in his own service, either as a free

tenant or a bond-slave. The most wealthy amongst the nobility profited by this rule, concentrating on their own estates the larger number of the actual cultivators of the soil. Smaller land-owners had more than once occasion to complain of the harm done to them by such a practice.

The heads of the military aristocracy found in the dukes and czars of Muscovy, not only a hearty support to their demand for cheap labor, but a readiness to enslave the real cultivator.

They were also admitted by the rulers of Muscovy to share with them the honors and the burden of directing both the domestic and the foreign policy of the state. Not every nobleman was called to take a seat in the privy council of the czar, or *douma*. This privilege was given only to certain families belonging either to the upper strata of the Muscovite so-called *boiars*, or to the once ruling dynasties of the now annexed principalities, both of Russian and of Lithuanian, Tartar, or Caucasian origin. Members of the local nobility were even required to renounce, in favor of foreign princes, the chief ranks they had previously occupied in the social scale. It is in this way that the Romanovs and the Scheremetievs had to yield before the Golitzins and the Troubezkois, the Shuiskis and the Miloslavskys, the two first being of the Lithuanian race of the Gedemins, and the two last of that of Rurik, the founder of the Russian state.

It was only from the ranks of the higher nobility that Muscovite rulers chose their ambassadors, the chiefs of their civil and military administration beginning with those called to preside over the superior executive and judicial boards, known under the name of *prikasi*, and ending with the governors of provinces and cities. These governors were at the same time the farmers of all the crown revenues, derived from indirect taxation, partly also from judicial fines and amercements. This accounts for the fact that

they looked on their office as on a sort of regular income, and petitioned the czar for it as for a living (*kormlenice*). Being responsible to the crown only within the limits of a certain sum of money, fixed beforehand, the governors or *voivodes* were allowed to turn to their own profit the whole supplementary revenue. People bitterly complained of the misuse they made of their almost uncontrolled power, of the want of justice and charity in their dealings with those they governed or judged.

At the head of the army, also, we find only the representatives of the superior class of nobility, whose members were known under the name of *boiars*. This did not prevent the existence in their ranks of hierarchal distinctions. The higher strata were occupied by the so-called *boiars* of the council, or *douma*, the next by the *okolnicki*, or individuals required to attend on the person of the grand duke, and later on, the czar, and the last by simple noblemen of the council (*doumnii dvoriani*).

These distinctions were strictly maintained, not only in the distribution of offices in the army and civil service, but even of places to be occupied at the table of the duke, on occasion of festivals given at court. The son of a person whose father had been a *boiar* would never consent to serve or sit under the direct descendant of an *okolnichi*. Compulsion, or at least the promise of the duke that the case was not to serve as a precedent for the future, was alone able to bring the reluctant person to reason and compliance. Such was the real character of this famous right to maintain the rank once gained by the holding of a certain office even in later generations. It was known in the sixteenth and seventeenth centuries under the name of *mestnichestvo*.

It is unnecessary to call attention to the great mischief which ensued from such a custom; it has been more than once a real impediment to good administration, the grand

duke being prevented from calling to office those he considered most fit. It was only at the end of the seventeenth century that the Czar Theodore, son of Alexis, the third czar of the dynasty of Romanov, put an end to these ludicrous pretensions, by ordering that all documents concerning this sort of controversy should be burned, and the genealogy of the aristocratic families consigned for the future to papers of heraldry.

The smaller nobility was composed either of some rapidly declining families of ancient *boiars*, who for the sole reason of not having occupied high posts in the army and civil service, reduced their descendants to a lower position, or of ordinary serving men, known under the name of *dvoriane*, whilst the first continued to call themselves sons of *boiars*. Both found employment in the ranks of the army, and received as remuneration a certain amount of land in tenure, larger or smaller according to the number of followers they promised to arm and bring with them into the field.

Still inferior to both these orders were the scribes, *diaki*, who in fact directed the whole administrative machinery, under the orders of the *boiars* placed at the head of the boards, *prikasi*, or of the *voivodeships*, or provinces of the state. Many of the scribes were elevated by the grand dukes and czars to the position of ordinary noblemen, or *dvoriane;* few passed into the ranks of the inferior *boiars*.

From this short sketch of the interior state of Muscovy it may be seen that all the advantages of power and wealth were reserved for the military aristocracy alone.

As to the third estate, consisting of inhabitants of cities and villages, it had no other privilege than that of paying those taxes from which the higher order was exempted. Therefore, one may say that the whole population of the grand dukedom was really divided into two wide strata, the

upper and the lower one; the first subject to military service, the second to tax-paying. Between them we find the clergy, very numerous, very rich in land, and exempted (so far as those belonging to their ranks, if not those inhabiting their estates, were concerned) from all imposts, direct or indirect.

People may judge of the wealth possessed by this body from such facts as the following: in the limits of the single district of Moscow, the lands of the clergy formed almost the third part of the whole cultivated area, and in the first half of the seventeenth century abbeys like that of Solovezk or Kirilovo-Belosersk belonged to the number of the largest land-owners ever known in the world.

It was not piety alone which induced our forefathers to show such liberality toward the clergy; it was also the wish to secure at least a part of their fortune from confiscations and to liberate it from taxes or dues and malversations of civil officers. Under a vindictive prince, such as John the Terrible, and a civil administration whose chief quality was neither honesty nor the sense of responsibility, the proprietor of an estate had every advantage in mortgaging his land to some monastery, which thus became the real manager of it, mortgage conferring at that time the right of use, which nowadays is no more the case. The want of money was another reason which forced landed squires to sell, or at least to mortgage, their estates to such large holders of movable goods as were the Russian abbeys of the sixteenth and seventeenth centuries. More than once mortgaged estates remained in the possession of the creditor; the percentage being very high at that time, the debtor was not always able to clear his estate.

For all these reasons, ecclesiastical property increased in rapid progression, endangering the interests of the crown and those of the serving men, who gained their living in the distribution of land-tenures. No marvel that the Czar

John the Terrible thought for a moment of the necessity of proceeding to a real secularization of ecclesiastical estates, comparable to that made in England under Henry VIII., and in France at the time of the great revolution. Such a project seemed to be feasible, the more so on account of the presence, in the ranks of the regular clergy itself, of a numerous class of persons opposed to any accumulation of wealth in the hands of those whose duty it is to seek their salvation in prayer and self-restraint. Having secured their support of his aims, John the Terrible summoned a general meeting of the clergy, known in Russia under the name of the *holy sobor*, or assembly. It met almost at the time of the first relations of Muscovy with England.

Notwithstanding a powerful challenge to the "engrossers of land" (*slirgately*) by Nil Sozsky, the majority of the persons assembled under the guidance of Josif Volo-Kolamsky, rejected the idea of disappropriation, and the Russian clergy retained its supremacy in land-holding until the time of Catherine II., when the secularization of its estates became an accomplished fact. Although unsuccessful in his chief endeavors to spoliate the clergy, the Czar John the Terrible took measures to prevent a further increase of their goods and revenues. These measures were efficacious as long as he lived, but in the so-called "period of troubles," which opened with the end of the first dynasty, the conditions of the time became rather favorable to a new increase in the number of donations and mortgages for the profit of the clergy.

This fact accounts for the rapid decrease of the amount of lands appropriated to the remuneration of the services of military men, and explains the reason why the state was obliged later on to extend the duty of actual service in the ranks of the army even to those who were in possession of plain and hereditary property.

Estates known under the name of parental (*otchina*

diedina), a term used by the Salic law of the Ripuarian Franks, were compelled to furnish a certain number of armed soldiers according to a once-settled proportion between the number of men equipped for war and the number of acres or *chets* composing the landed area of the proprietor. When Peter the Great undertook the reorganization of the social and political conditions of Russia, he found, therefore, ready materials for the establishment of this ruling principle of his reform: that a nobleman, to whatever stratum of the upper class he might belong, and whatever was the nature of his land-holding, military benefice or parental estate, was to remain in the service of the state during his whole life, first in the ranks of the army or of the newly created navy, and later on, when old age or bad state of health became for him an impediment to the accomplishment of his military duties, at least in the ranks of civil officers.

Under this condition the Russian nobility, known from this moment by the Polish name of *schliachta*, was to be free of personal taxation and to possess the monopoly of owning lands cultivated by bond-slaves. It was only at the end of the eighteenth century that Russian noblemen were freed by Peter III. and Catherine II. from the obligation of actual service, and became, under the name of *dvoriane*, a name which they still hold, a class of landed squires, required to exercise certain functions of local administration within the limits of the province and the district.

The foregoing chapter has attempted to show the close tie which, so far as social orders are concerned, binds Russia to the old Muscovite czardom. More than once occasion will arise for pointing out how seemingly inorganic reforms, made during the last two centuries, on the models of Sweden, Germany, England, and France, have in reality been grafted on genuine Russian institutions. The effect

of this has been generally that ~~of~~ totally changing the character of the reform itself. So true is it that imitation rarely takes the form of a simple transplanting of a foreign institution, but rather that of an adaptation of it to old conditions of life, created by the whole past of the nation in view.

Now that we have thrown a rapid look over the social and political constitution of the dukedom of Muscovy, let us ask ourselves what new elements were brought into it by the first three rulers who bore the title of czar, (John) Ivan III. (Basilius) III., and (John) the Terrible. The first of the three monarchs named was the real founder of Russian autocracy. He must be considered in this light, not only on account of his suppression of those remains of primitive democracy once common to all the principalities of mediæval Russia and still alive in those of Novgorod and Pskov, but also because by a marriage with a Greek princess of the imperial family of the Palealogues, he was the first to express the pretension of succeeding the Byzantine emperors in the leadership of the orthodox world. It was from his time that Moscow began to be considered as a new Constantinople, and the Russian metropolitans, once of Greek origin and nomination, became the equals, if not the superiors, of those of Byzance, Jerusalem, and Antioch.

Both events, the fall of the once famous republics and the opening of Russia to Byzantine civilization and Byzantine theories of imperial autocracy, have the importance of turning points in Russian political evolution. To efface the memory of previous independence, the Russian czars not only prohibited any further convocation of folkmotes or *viecha*, both in Novgorod and later on in Pskov, but also forced the most prominent families of these regions to fix their abode within the limits of the district of Moscow, and colonized the annexed republics with Muscovite emigrants. The direct effects of the second great change, which

happened in the reign of John III., the diffusion of Byzantine ideas in consequence of a marriage with a Byzantine princess, appeared at once under his immediate followers. The writers of the day relate that, in spite of previous examples, the czar did not consult his *boiars*, but did everything by himself, taking only the advice of one or two self-made men, or that of Greek and Russian monks, selfish persons who desired nothing but the increase of their own wealth, and ready, on that condition, to give their hearty adherence to any encroachments of power the czar might make to his own advantage.

When John the Terrible reached manhood, he had before his eyes the example of his two immediate predecessors; he was also vividly impressed by the great harm which in his childhood had been done to the state by the administration of the *boiars* of the *douma*, or privy council. Thence arose his desire to crush that power and to seek advice from the representatives, if not of the people at large, at least of those social groups which in Moscow might be considered with more or less reason to be the representatives of the different orders called to assist the czar in the military and civil government of his states. Such was the origin of the famous *sobors*, which have been more than once held to be the paradigm both of the English Parliament and of the states general of France. The first persons called to attend this kind of meeting were, besides the members of the privy council and the high clergy, delegates from the class of military servants, known under the name of "sons of the *boiars*," and of "*dvoriane*," a name which in our day signifies noblemen. At the *sobor* of 1566, the first whose composition is known to us in its details, this class counted two hundred and five representatives, more than half the number of persons present at the meeting. Nearly all of them were chosen from among those thousand noblemen who, in 1550, were

ordered by the czar and the members of his privy council to receive an endowment of land in the neighborhood of Moscow, within a radius of seven geographical miles. These noblemen were the most ancient of their class as regards their origin and services. Part of them received in benefice three hundred *chets* each (about an acre). They formed the so-called first class; the next one was composed of those whose endowments did not exceed two hundred and twenty-five *chets;* the third class got only one hundred and fifty *chets* each.

The donations were but supplementary additions to the large estates already possessed by the noblemen in question in the different parts of the state, both in property and in life tenure. Each of these classes, which on the whole formed a fair representation of the body of military servants, was ordered to send a certain number of delegates—the first ninety-seven; besides nine whose abodes, the district of Louzk and Toropetzk, are specially mentioned.

The remaining hundred and ten deputies belonged to the second and third class, and may be identified with members of noble families settled in thirty-eight districts, half of which were situated in the western part of the Russian state. The preference given to these provinces has no other reason than this: the *sobor* had to decide the question whether the war with Poland was to be continued or not. Of course nobody was more interested in the settlement of this matter than the serving men of the western provinces, who had to conduct the war. It was natural, therefore, to ask their advice before that of any others. It may be added, that it was also quite practical, their regiments being for the same reason either in Moscow or in its close neighborhood.

As to the third estate, it counted seventy-eight members among the persons present. Twelve of them belonged

to the class of merchant adventurers, dealing with foreign countries. Their special denomination was "guests" (*gosti*).

As to the rest they represented two distinct subdivisions of the Muscovite drapers: those who carried on their traffic in the galleries, which almost to our own days have maintained the name of "galleries of Smolensk," and those known under the special title of Muscovite merchants.

It is difficult to consider all these persons as genuine representatives of the third estate of Russia. But they cannot either be looked upon as delegates of Moscow alone, for the reason that in the ranks of the upper class of merchants the government chose, as a rule, officials charged to levy indirect taxes in the whole state. They were a kind of "true men" (direct translation of the term *viernii liudi*) sworn to perform their duties of control in good faith and honesty. The general conclusion at which one arrives after the mere inspection of the list of those summoned to the *sobors*, is that instead of seeking for the advice of the best men of the state, the Russian government felt the necessity of consulting those who were serving at the head either of its military men or of its tax-payers. The government did not care so much to ascertain the wants of the people of diverse districts, cities, or boroughs, as the number of fighting men, and the amount of money and goods of which it could dispose in military and political contingencies.

The same character appears in the composition and the aims pursued by the *sobors* of later days,—for instance, that of 1598, called to choose a new czar on the occasion of the extinction of the house of Rurik. As in the year 1566, the members of the privy council, and among them the scribes of the *douma* and of the different *prikasi* or boards, in whose hands was the high administration of the state, were summoned to the meeting, side by side with the superior officers of the private treasury of the czar (the

so-called *dvor*). These last had not appeared in 1566. As to the military attendants, they formed this time more than half of all the persons present; the majority belonged to the class of Muscovite noblemen, whose position at the head of regiments or in the highest ranks of civil service can be ascertained. But besides these we find, at the *sobor* of 1598, elected persons taken from the upper class of the local nobility, who, according to a trustworthy information (that of Margeret), had to send to Moscow from each city a certain definite number of members, to reside there constantly during three years. They were called, of course, to assist the central government in matters concerning the military administration of the districts and the endowment of serving men with land benefices. Their continued presence in Moscow allowed them to attend the sittings of the *sobor*, side by side with some Muscovite noblemen who had not yet completely abandoned their native districts, although exercising their military and civil duties in the capital. As to the third estate, just as thirty-two years before, it attended the congress in the person of a certain number of guests (or merchant adventurers of Moscow, twenty-one in all), and of delegates from the higher class of persons carrying on trade in the interior of the country. Among these the drapers constituted by themselves a separate class, just as they had done in 1566, under the name of "merchants from Smolensk."

It will be seen that at this time, although more subdivided, the ruling authorities of Muscovy appeared in a body, not in order to express the genuine desires of the landed aristocracy and gentry, or those of the commons, as would have been the case at the meeting of some English parliament, but to consult and decide in such an important matter of public service as that of choosing a new dynasty. We shall proceed no farther in the study of the composition of the first *sobors*, having already reached the limit of the

sixteenth century, and the end of the old dynasty of Rurik. But few words more are necessary to explain the reason why the representation of the ruling classes of Muscovite society was impossible in any form other than the one we have mentioned. Whoever considers the wide extent of Russian dominions at the moment when the *sobors* made their first appearance in history, whoever realizes the difficulty of reaching the capital in less than several months, on account of bad roads and the remoteness of certain provinces, as Novgorod, Pskov, Archangelsk, the banks of the Yenisei, or those of the Ural, Kama, and Volga, will easily understand that parliamentary representation could not assume in Russia the same general character it had in England. On the other hand, the want of personal liberty, felt more intensely with every new generation in the ranks of the two largest classes of Muscovite inhabitants, that of the peasants, already bound to the soil *de facto*, if not *de jure*, and that of the commonalty and boroughs, confined to a continual residence in their birthplace, by the system of mutual responsibility in matters of taxation, was a natural impediment to any real representation of both classes at the meetings of the *sobors*. Russia, in this point at least like England and France, had nothing to be compared with that fourth chamber which in Sweden, and later on in Finland, was and is composed of the delegates of free peasants. It never knew either those "good and faithful men" from such and such a city or borough, of which the House of Commons was partly composed from the moment when Simon de Montfort asked the third estate to indorse the pretensions of the noblemen and squires toward the English crown—an event which happened, as all know, as far back as 1265. Of the three "hands" (*brachios*), of which the cortes of Aragon or Castile were composed, the state of Muscovy knew only the *caballeros*, or possessors of military tenures.

The few representatives of the third estate appearing at the *sobors* might be compared only with the delegates of those merchant guilds which once, in the twelfth and thirteenth centuries, united with the farming of the regular revenue of the crown proceeding from the cities or boroughs the whole interior administration of the latter.

But even in this, the immense extension of the Muscovite state imposed a special obligation, that of having recourse only to those strata of the mercantile class which were residing in the metropolis.

(John) the Terrible produced not so much a revolution as a profound modification of the once existing system of government, not only by the fact of calling into being the *sobors*, but also by limiting the political power and enlarging the judicial functions of the *douma* or privy council. The first point had been attained from the moment when, under the pretense of a real or supposed conspiracy on the part of the *boiars*, the czar proceeded in a speedy way to executions and confiscations, condescending sometimes to exchange for the landed estates of the convicts, regularly annexed to the royal demesnes, some remote portions of land in distant provinces. In this way he achieved the end of depriving the once ruling houses of Russian principalities of the material support which large and compact estates in the middle of their former dominions were sure to give. Many of these remote branches of the Rurik dynasty, aware of the fate that awaited them in case of a longer residence in Moscow, became voluntary exiles, emigrated to Poland, and suffered the confiscation of their goods by the crown.

The result of all this was, that the privy council lost, to a certain extent, its aristocratic character, and that new families, who owed their greatness not so much to high birth as to the fact of having their daughters given in marriage to the czar or his relatives, attained the ranks of *boiars*.

greater part of which had previously been retained by the local nobility. Such had been the mode of dealing of John III. at the conquest of Novgorod, and of his son, Basilius, at the surrender of Pskov.

Such was also the policy of John the Terrible toward Kazan and Astrakhan, with this single difference, that having met, at least in the former, with a violent resistance on the part of the nobility, the Russian army took advantage of the occasion to exterminate the heads of the aristocratic opposition. Their estates were confiscated and transferred to Muscovite military attendants. The few noble families who escaped this general extermination were ordered to settle in Moscow or to take up their abode in some other provinces forming no part of the conquered realm.

In order to maintain the obedience of the subdued nations, the Muscovite government built some new fortresses, such as Sviagsk, on the middle course of the Volga, and in later days Mendelinsk, at a short distance from the Kama and Orenburg, in the close neighborhood of another large river, falling into the Caspian Sea,—the Jaik or Ural.

Side by side with Astrakhan and some smaller fortified places, situated between Nijni-Novgorod and the mouth of the Volga, these citadels became strong enough to preserve order and peace among the different Finnish races, such as the Mordv, the Cheremisses, and Tchuvashes, and the Nogai, inhabiting both banks of the large stream that keeps the interior provinces of Russia in communication with the Caspian Sea.

Mendelinsk and Zainsk played the same part in the upholding of Russian power among Finnish tribes dispersed on the shores of smaller streams falling into the Kama, and as to Astrakhan, Orenburg, and the Jaik, they rendered an equal service in preserving Russian provinces from the invasion either of the Kirghiz or the Bashkirs, and Kal-

mucks, both tribes of Mongolian origin, the last of which came to settle in Russia from such a remote corner as China. In order to maintain the conquered people in obedience, the Russian government recurred also to the Cossacks, a light cavalry composed of volunteers, wishing to settle on the large area of free lands situated outside the limits of the Muscovite state, and exposed to occasional invasion of the Tartars. The Cossacks occupied this area in large and self-governing bands, fitted as well for the work of highwaymen as for the defense of Russian power and the orthodox church.

Several regiments of this sort of volunteers were authorized to migrate from the banks of the river Don, the Tanais of the ancients, to those of the Jaik, and to create there, in the immediate vicinity of the Bashkirs, a sort of half independent military republic, called to protect Russia from this new invasion of the Mongolo-Finnish race. One of these Cossacks had been employed by the Stroganovs, successful industrialists of Perm, in the difficult task of clearing the northeastern frontier from the periodical inroads of barbarous or semi-barbarous people. Whilst accomplishing this mission he, with a smaller band of followers, went as far as western Siberia, where a century before had been founded, on the banks of the Irtish, a Tartar czardom, by the princely family of Taibougi.

Ivan This state, ruled at the time of (John) the Terrible by a certain Kutchum, was composed of different tribes, such as the Ostiaks and Bashkirs; the upper class alone consisted of Tartars, who, being Mohammedans, did their best to convert to their own creed the native races. The latter maintained, nevertheless, their old customs and habits, as well as a sort of tribal independence. They were subject only to the payment of a regular tribute to the new government. The last seems to have been, like that of Kazan, of a more or less aristocratic nature, the supreme power being held

not only by the khan, but also by a certain number of secondary chiefs, known under the name of *mourza*. Bad feelings between governors and governed, of which question is made in rather obscure terms in the message sent by the Czar Kutchum to (John) the Terrible, weakened the Ivan power of the newly created state. This explains to us the small resistance it showed to the invasion of the Cossacks. All the conquests in the southeast and the north of Russia were conducted by small bands of serving men, who attacked cities, seized their wooden or stone citadels, and not daring to penetrate into the wilderness occupied by the natives, contented themselves with their purely formal allegiance. As to colonization, it went on rather slowly but regularly, in the following way: At the mouth of some navigable river falling into a larger stream was founded a fortress; military men from Moscow were ordered to settle in it, and received large endowments of land,—some of them in the immediate neighborhood of the fortress, the greater part at some distance from it. The higher officers were each granted an estate; simple soldiers got land in common with the right to subdivide it among themselves. The same might be said of the Cossacks, who on account of the wide extent of land at their disposal, preferred to hold it in common amongst all the men belonging to their regiments, and used it more for pasture than for agriculture. The Cossacks of the Don, as well as those of the Jaik or the Irtish, in Siberia, gained their living by rapine and the chase rather than by tilling the ground. One of the reasons that induced them to swear allegiance to the Muscovite government was the possibility of getting from the bounty of the czar the quantity of corn they wanted for their food. This accounts also for another Cossack custom, that of keeping close to the fortresses situated on the limits of the Russian empire in the direction of the unoccupied steppes large areas of land, known under the

name of Czar's Acre (*gosokedareva paschnia*). The land was tilled by the unpaid common people ordered to settle in the neighborhood of the citadel. The grain cultivated on this area served to feed not only the garrison but also the distant allies, such as the Cossacks. But the growing of it became soon a heavy burden for the population, and quite explains the reason why, at the end of the sixteenth century, the people living near these fortresses began to dislike the mode of life they were obliged to lead, and were ready to support any pretender who promised to better their condition.

From this very incomplete description of the interior organization of Muscovy under the old dynasty, it may be seen that it had already ceased to be a simple fief, as in the time of the first dukes of Moscow, or even a union of fiefs lying along the whole course of the river Moscow, which it had been under Ivan Kalita, in the middle of the fourteenth century. Although its western frontier passed at a short distance of some hundred miles from Moscow, on the east it extended as far as the Yenisei, the Jaik, the Ural Mountains, and the mouth of the Volga. In the north it reached the region of the great lakes and the White Sea. The most uncertain boundary was that to the south. A chain of fortresses was erected to protect this not well-defined border from the invasions of the Tartars. Generation by generation new citadels were built, and some more ground gained on what was known under the very appropriate name of "field" or unoccupied land. In the first half of the sixteenth century Toula and Tambov well represented the most important links of this chain; but a hundred years later, their place had been already taken by Belgorod, Charkov, and Vorsnej.

More to the south Muscovite emigration went on, nevertheless, the numbers chiefly composed of peasants flying from the fetters of serfdom. They met, as a rule, other

emigrants coming from western Russia and Lithuania, recently united to Poland, an event which had its effect on the social and religious conditions of the common people.

The Polish nobility, especially the lower (the *sliachto*), tried to establish serfdom on the newly acquired estates, whilst the Latin clergy employed all their endeavors to suppress the Greek creed in favor of Catholicism. The runaways from Poland met those advancing from the borders of Muscovy. Both had in common their love of freedom and orthodoxy. They had, therefore, no difficulty in uniting to form military bands and federations. One of them settled on the banks of the Dnieper and established its chief residence on one of the isles of the river. In this way was constituted the celebrated *siech*, or camp, of Cossacks living to the south of the waterfalls (*Zaporojzi*). This *siech* became the nucleus of Little Russia.

To the eyes of the foreigner, these freebooters appeared mostly as a camp of brigands, whilst Muscovy itself, in the time of John IV., was cited by Walter Raleigh as the best instance of what despotism or, as he said, tyranny, might be. But notwithstanding the rudeness of these political institutions, the Muscovite Oriental monarchy and the military republics of the Cossacks both contained germs of a further development. Their fusion produced the modern Russian state, in which two opposite tendencies, the one toward an order based on a social hierarchy, and the other toward boundless and equal liberty, are still alive. But at the end of the sixteenth century the nature of these two different political and social organisms was too heterogeneous to allow of any other relation between them than that of open warfare. The period of interregnum which ensued after the disappearance of the old dynasty was fit to accelerate such a conflict. In it lies the real meaning of this great social and political convulsion. The Muscovite state traversed safely this period of confusion, and maintained

both its independence and, to a great extent, its old institutions, but the new rulers of the empire soon came to the conviction that, in order to secure freedom from foreign powers, they had to remodel the institutions of the country on a new plan, that of European military absolutism. Michael and Alexis were the forerunners of this new policy, which was later on followed, on a larger scale, by Peter the Great, and lasted until the end of the reign of Catherine, or rather until the accession of Alexander I.

CHAPTER III

MUSCOVITE INSTITUTIONS UNDER THE ROMANOVS

The reigns of the three first czars of the family of Romanov, without forming a new era in the development of Russian political institutions, present, nevertheless, considerable differences from those of the monarchs of the first dynasty. Most of the particular features which illustrate what may be called this transition period before the reforms of Peter the Great find their natural explanation in the experience acquired during the "period of troubles," which extends from the end of the old dynasty to the accession of the new one. It is not meant to say that this experience has been always taken into account by those who presided over Russian destinies. Sometimes it was the reverse, and the ill-success of some of the enterprises of Michael and Alexis, as also the discontent created by their rule among the lower strata of the Muscovite population, and particularly among the peasants, more and more deprived of their personal freedom, has no other cause than want of attention to the lessons given by previous history. It may be seen from this what importance the study of the so-called "period of troubles" has for the understanding of the interior conditions of Russia during the seventeenth century. No wonder that our historians, beginning with Karamsin and finishing with Professor Platonov and Father Pierling, have always attached great importance to any new documentary information on that social and political convulsion of old Russia. It is not possible to give here even a sketch of the principal events of this epoch. This fact only need be mentioned, that new researches in the archives

of the Vatican have confirmed, almost to a certainty, the fact that Demetrius, the czar enthroned with the help of the Poles and the support of the common people, was by no means the son of John the Terrible, happily saved from the hands of paid assassins, but a monk throwing away his religious habit and finding, even among the *boiars*, a great readiness to abet his imposture. Father Pierling, with his new documents, only confirms the old presumption entertained already by Karamsin, that the false Demetrius was a certain Grischka Otrepiev, fled to Poland, not without the knowledge of certain inferior nobles, amongst them, perhaps, the father of the future Czar Michael, the monk, Philaret. He was at this time on bad terms with the Godunovs, recently elevated to the throne of Russia. This last supposition is expressed by Kostomarov and more or less obscurely repeated by Professor Platonov. It is not without interest to compare the conduct of Philaret in this instance with that which he displayed toward the second imposter, the so-called brigand of Touschino, in the camp of whom he preferred to reside, not wishing to side with a *boiar* czar, Vasili Shuiski, of the Rurik dynasty of the princes of Schoria. Note that some months later the same Philaret signed the act according to which the son of the Polish king, Vladislav, was to become the ruler of Russia, not as an autocratic czar, but as one whose power was to be limited even to a greater extent than that of Shuiski, by the council or *douma* of the *boiars* and the states general, or *Zemsky sobor* of Russia. In all these intrigues, ending in the fall, first of the Godunovs and then of the Shuiski, we find the same desire to eliminate the last supporters of the hated régime to which the name of John the Terrible is attached. Godunov had been one of his chief helpers; his sister became the wife of the emperor, Theodore, son of John. As to Vasili Shuiski, he had served under the tyrant, and was

almost the last remnant of the Rurik dynasty, Miloslavsky being old and incapable, and the other pretender, Golitzin, although of very high birth, not of the Rurik root, but of that of Gedemin, the Lithuanian king.

The *boiars* being unable to bring about the nomination of a new czar from their midst, split as they were into different parties, and high aristocrats, such as the Prince Troubezkoi, siding with the second pretender, it was agreed to choose a new ruler from abroad, on condition of his upholding not only the Greek church, but also the old rights of the *boiars* to deliberate on public affairs and to judge side by side with the czar. This right had more or less fallen into disuse in the time of John the Terrible and his immediate predecessor, Basilius, when, according to the well-known testimony of a contemporary, the czar, instead of debating every matter with the highest aristocracy, preferred to sit in private council with one or two men of inferior birth, self-made or raised to their office by the caprice of the autocrat or the intrigues of some obscure monk. It is not in vain that amongst the *boiars* was spread the legend according to which Bishop Vassian had given to the Czar John, in 1553, the following advice: "If thou wantest to be an autocrat, do not keep counselors more clever than thyself; and so thou wilt be the best of all and quite safe on thy throne." This counsel was the reverse of the one which persons imbued with ideas of a more remote age entertained as to the desirability of consulting on all occasions the princes and *boiars*, and not those "unburied dead men," by whom one of the pamphleteers of the day meant monks like Vassian.* The writer of one of these political pamphlets says the czar ought to take the advice of the counselors on all occasions, think and think again with his *boiars* in order to arrive at a better decision. This is the

* See the intercourse between the saints working miracles in *Valaam*, a political pamphlet of the sixteenth century.

old method in which a humanist, Maxim the Greek, unhappily for himself brought into connection with Russian ecclesiastical and political affairs, was entertained by a counselor of the Czar Basilius. The czar had to respect aged men and to bestow on them all the grants of land. It is this old custom, laid aside by the rulers of the sixteenth century, that the *boiars*, treating with Vladislav, wished to revive, but it is not the *douma* alone that we find spoken of in the document which the son of the Polish king had to sign.

Together with this demand there was another for holding a general assembly of the land—the *Zemsky sobor*. In the best period of his reign, illustrated by the conquests of Kazan and Astrakhan, and a clever direction of interior policy, John the Terrible had already called to advise him both the different elective officials empowered to collect his revenue, and the serving men, established in Moscow, although coming from the provinces later on. It was not a meeting of officials alone, but that of true representatives, that Kourbski, the celebrated antagonist of John the Terrible, had wished to see established in the Russian czardom, probably after the example of similar institutions working peacefully in the Polish Lithuanian kingdom. These restrictions of power the Russian autocrat ridiculed no less than those of Elizabeth of England. What Kourbski wanted was a universal council of the people, held yearly, and composed of persons summoned from all cities and all districts; with them the czar was to treat of every matter concerning the generality of his people. This institution, perhaps more familiar to the Polish king than to the *boiars* who asked for it, was imposed on the Prince Vladislav on the occasion of his election to the Russian throne. Men like Philaret Romanov, the father of the future Czar Michael, were as much interested in the acceptance of such

limitations as those who recently had sided with Shuiski and forced upon him certain similar restrictions.

Under such conditions is it likely that whilst choosing later on the Romanov *boiars* of secondary rank, whose elevation was brought about by a marriage of John the Terrible with a lady of that family, those who took part in the election quite abandoned any idea of constitutional guarantees and limitations of autocratic power? By no means! And if any recent historians express a supposition of this kind, their hypothesis is quite contradicted by contemporary evidence, both of Russian and foreign authorities. To begin with, there is Kotoschichin, the well-known Russian refugee in Sweden, who, in his treatise on the state of Russia in the reign of Alexis, the second czar of the house of Romanov, plainly says that he was the first among the elected czars who gave no document binding himself, as had been the case with former rulers. "If this document was not required from Alexis," continues the same author, "it is because everybody knew him of quiet temper." As to Michael, Kotoschichin says: "Although he declared himself an autocrat, he could do nothing without the council of the *boiars*." Speaking of the character of these limitations, Kotoshichin mentions only the promise given by the czar to be neither impatient nor cruel, to condemn nobody to death without judgment or fault, and to think over all matters together with the *boiars* and men of the council. Nothing was to be secretly decided without the knowledge of the above-named persons. Kotoschichin is not the only Russian evidence as to the restrictions put upon Michael at the time of his election. A contemporary annalist, born at Pskov, relates with indignation how, under Michael, the *boiars* had the country in their power, paid no attention to the czar, did not fear him, and that because they had obliged the monarch to kiss the cross and to

swear that he would not condemn to death men in high position and belonging to *boiar* families, but only send them to prison. Another account, cited by Tatischev, a Russian historian of the last century, states that, although the election of the new czar had been general, he ascended the throne after signing a charter, like that granted by Vasili Shuiski. So far we have seen no mention of the *sobor* in the promises given by the newly elected czars, but only that of the *boiar* council or *douma*. Some foreigners go a step farther in their assertions. The Swedish writer, Fokkerodt, asserts that amongst the obligations taken by the young czar, was that to introduce no new law without the consent of the *sobor*, and to refrain also, under the same conditions, from levying any tax or beginning any war. As to Straalenberg, a German authority, while repeating more or less the same, he very accurately remarks that the idea of these restrictions of supreme power was borrowed from Poland, where already, in the middle of the sixteenth century, under Stephen Bathory, the states general, or *seim*, and the privy council possessed considerable political power. Straalenberg plainly asserts that before being crowned Michael accepted and signed the following *conditiones:* To maintain and to protect religion; to forget all wrongs done to his father; to make no new laws, nor to alter old ones; to treat important matters in conformity with the laws, following a legal course; to declare no war, and to make no peace by his sole will; to grant no lands to members of his own family, and to confiscate no estates to the crown.

These statements may be the more readily believed since there was at this time nobody to defend the rights of the czar. His father, Philaret, was then closely imprisoned by the Poles, and was so far from thinking that his son would be chosen as to suggest, in a private letter written to Scheremetiev, that certain restrictions should be im-

posed on the power of the new ruler. If Scheremetiev was the first to propose the nomination of Michael, a boy of fifteen years of age, it is because he himself and the members of his party thought it very probable that the real government of Russia would pass into their own hands.

The first part of the reign of Michael, that which extends to the return of his father from exile, is characterized by a frequent convocation of the *sobors*, and a constant discussion of the affairs of the country by the *boiars*. This itself shows that some conditions had been proposed by the *boiars* to the new czar and had been accepted by him. During the first half of the reign of Michael many important questions were discussed and settled by the *sobor*. In the first years want of money obliged the czar more than once to have recourse to forced loans and benevolences. These were levied side by side with the regular taxes on the goods of merchants and peasants; the taxation received each time the consent of the *sobor*, and the benevolences were indorsed by the same body. The nomination of a new patriarch in 1619 was also its work. The annals of the time tell us that *boiars*, the dignitaries of the court, and all the people of the "Muscovite State" called on Michael and asked him to induce his father, Philaret, to accept the primacy of the Russian church. Two years later, in 1621, a new *sobor* was consulted on the question as to whether Russia should go to war with Poland. The estates gave an answer in the affirmative, but the want of money and soldiers forced the government to postpone the execution of this decision.

It was only after the return from Poland of the father of the new czar, and his elevation to the dignity of being the chief representative of the orthodox church, that the *sobors* ceased to be summoned. Philaret had probably the opportunity of ascertaining, during his stay in Poland, to what extent the power of the king was limited there by the

diet. In order to enable his son to escape the same lot, he no doubt induced him to put an end to the regular convocation of the *sobors*. Instead of a czar controlled by two councils, that of his *boiars* and that of the representatives of the different orders, Russia became a two-fold monarchy. In the acts of the time the czar and the patriarch are equally styled "Great *Goscondar*" or "Great Lord." They both hear such and such cases brought before them, and order this or that to be done according to their mutual decision. Although Professor Sergievitch explains this fact by the excellent relations that existed between the father, the patriarch, and the son, the czar, this alone does not tell us the reasons why the chief representative of Muscovite orthodoxy was thus called to play a prominent part in the exercise of sovereign power even in later days. The fact is, that the rising of 1612, which ended in the withdrawal of the Poles from Moscow, and the elevation of a genuine Russian to the throne, took place as much in favor of orthodoxy as in favor of upholding national independence. The earnest appeals made by the patriarch, Hermogen, from Moscow, of the prior, Dionysius, and the monastery treasurer, Abraham Palizen, both of the abbey of Troitzk, in favor of uniting all the forces of the nation in defense of creed and country, ended in the establishment of a state no less imbued with the idea of its providential mission to keep the principles of pure, universal Christianity not corrupted by the tenets of the pope, than that of an empire thoroughly free from any foreign interference. It is for this same reason that later on, in the time of the Czar Alexis, Nikon, a man of low birth raised to the rank of patriarch, as far as exterior attributes of sovereignty were concerned, was placed on the same level with the emperor. Very instructive from this point of view is the recently published Arabian account of the journey to Russia, in the seventeenth century, of the patri-

arch of Antioch, Macarius. The author of this account was invited several times to different festivities, at which he saw the Czar Alexis offer bread and salt and zibeline furs to the patriarch. "The monarch seemed to be the prelate's servant," says the account, recently translated into Russian. "Is it not to be wondered at," says the author, "to hear the czar, whilst bringing in person the gifts to the patriarch, address the latter in the following words: 'Thy son, the Czar Alexis, bows before thy holiness, and brings thee this and that'?"

It is true that a few years later these two possessors of supreme power began to quarrel. The patriarch of Antioch was overtaken on his return journey by delegates from the czar, who asked him to return as speedily as he could; the envoys explained to the astonished prelate that the czar had quarreled with Nikon and called him a peasant and a bastard, having received in reply, "Why dost thou abuse me, that am thy holy father?" The czar refused to recognize for Nikon such a title. Those learned in Russian history tell how the quarrel ended, and what difficulty the czar had in getting the upper hand of his dangerous and stubborn adversary. Both had to stand the judgment of a council of eastern patriarchs, who at length pronounced themselves against the supposed rebel, by deciding that a patriarch daring to oppose the czar, and to alter old statutes of the church, ought to be deprived of his office. And so the man who in public acts had been spoken of as "Great Lord of Great and Little and White Russia," side by side with the other "Great Lord," the czar, had to finish his days in monastic seclusion. The future fate of the patriarchate was nevertheless not yet decided. Foreign patriarchs proclaimed only in 1667 that the czar had greater authority in political, and the patriarch in ecclesiastical, matters. Peter the Great wanted to retain his power over both church and state; therefore, he abol-

ished the patriarchate, instituting in its stead a high ecclesiastical commission, called the Holy Synod, and composed, in our day, of often changing members of the higher provincial clergy, with a civil procurator named by the czar, and exercising the rights of a minister of state.

Whilst the authority of the patriarch, as far as civil matters were concerned, had to yield to that of the czars, the *sobors*, or states general, maintained under Alexis the authority they had exercised in the first years of his father's reign. Although not periodically convoked, they had to advise the government on almost every subject of prominent importance, such as war and peace, introduction of higher taxation, or incorporation of new territories.

In 1632 war with Poland necessitated the levying of new subsidies. The *sobor* was accordingly assembled and gave its consent to the imposition of a general tax on all the estates of the empire, on the tradesmen as on the "men of service." The amount of money to be demanded from the latter was not fixed; each person could pay what he liked. The sums produced by the tax were intended for the payment of the army. During the next two years we find the *sobor* consulting the czar on matters of war and taxation, and on the relations with Poland and the Tartars of the Crimea. The czar complained of the ill-treatment to which his envoy was subjected by the khan. The superior clergy, whose answer alone has been preserved, insisted on the necessity of building fortresses on the southern boundaries of the Muscovite empire, in those cities of the Ukraine, which like Belgorod or Voroneg remained for centuries the pioneers of Christianity and culture in the southern steppes of Russia, and which were periodically plundered by the Tartars.

Two years later the military occupation of Azov by the Cossacks of the Don, and the impending necessity of a war with the Crimean Tartars for the preservation of the con-

quest, caused a new *sobor* to be convened. This assembly was in favor of war, and accordingly ordered the levy of military forces, "even from the villages belonging to the crown land and the lands of the clergy."

In 1642 matters concerning the fortress of Azov again became the immediate cause of a new assembling of the Russian estates. As the Turks had no intention of leaving Azov in the hands of the Cossacks, who were not able to hold it themselves, the question of annexing it to the Russian state suggested itself to the government, though such action involved the risk of a new and almost imminent war. The czar, finding it necessary to know the feeling of the nation, summoned one hundred and ninety-five persons elected by the estates, besides the *douma* or privy council, and the superior clergy, to Moscow. Nearly all classes of society sent representatives, and each class gave its opinion or advice separately on papers bearing the signatures of all the members of the same estate, while the dissentients sent in their opinions on separate and private papers.

The superior clergy, faithful to their old habits, assured the czar that they were quite unable to advise him on the question; it was not, they said, their custom to do so, for it was the business of the czar and his *douma;* their sole duty was to invoke God's blessing on the czar's undertakings. Should the czar, however, want military aid, they declared themselves ready to make the necessary sacrifices in order to pay the soldiers, and that according to their means. The majority of the Muscovite nobility expressed themselves in favor of annexation. The czar ought to hold the newly acquired fortress, but he should merely order the Cossacks to continue their occupation of it. Volunteers alone ought to be necessary to give help and assistance. Some advised that soldiers should be sent to Azov, not only from the cities of the Ukraine, but even from Moscow. All sorts of men, with the exception of

serfs and such as had lost their liberty through not having paid their debts, ought to be selected for that purpose. If money were wanted, each estate ought to nominate two or three persons whom the czar might authorize to levy subsidies from all persons and goods, from officers (*prikasnii*) and the czar's suite, from widows and orphans, from "hosts" and merchants, and from each and every person not engaged in military service.

Some of the nobility, amongst others those of Vladimir, simply promised to obey the czar's orders, pointing at the same time to the miserable state of their cities and country, which they said was well known to the czar and to the *boiars* of his *douma*. Much more peremptory was the advice given by the local nobility of certain larger cities, such as Suzdal, Juriev (the modern Dorpat), Novgorod, and Rostov. They were of opinion that the surrender of Azov would bring down the wrath of God. "The czar cannot leave in the hands of the infidels," said they, "the holy images of John the Baptist and of St. Nicholas." If the army wanted victuals, they might be taken out of the magazines belonging to the cities of the Ukraine. Military aid could be given from Moscow, and the expenses for the victualing of the army ought to be laid upon the whole land, without exception. Complaining of the great quantity of land given in benefices to the *boiars*, and of the large amount of money got by bribes and extortions by the officers of the state (*prikasnii*), who afterwards invested it in vast buildings and palaces, the burgesses insisted on the necessity of laying part of the burden of the future war on the shoulders of that class, and of obliging them to arm the soldiers; they maintained, moreover, that their fortunes should be taxed like those of all other classes of the state. The same measures ought also to be taken with the clergy, the bishops and abbots being equally called on to equip warriors, according to the number of serfs they possessed.

The czar ought to issue a ukase, stating the number of serfs a soldier ought to possess, or rather the proportion existing between the number of his serfs and the service required of him. This proportion should be strictly maintained in future, and those who had not serfs enough ought to receive new gifts of serfs from the government. Money for purposes of war, they also insisted, might be taken out of the treasuries of the patriarch and the monasteries.

The lower nobility, or what is the same thing, the men-of-war of the cities of Tula, Kolomna, Serpouchov, Riazan, Kaluga, etc., were even more precise in their demands that the proportion of military service should tally with the number of serfs which each man-of-war or knight possessed. Those who had over fifty serfs ought to serve without pay, and also contribute to the expenses of the war by supplying food to the army, whilst those who had not more than fifty ought to be free from the latter obligation.

If we turn our attention to the "written opinions" given in by the members of the third estate, we find them complaining of the miserable condition into which they had recently fallen, partly because all the commerce of Moscow was in the hands of foreigners, and partly because of the oppression of the *voivodes*, or governors of provinces, who had superseded the freely elected heads of districts (the *goubnii starosti* of the sixteenth century). The delegates of the hosts and merchants of Moscow nevertheless insist on the necessity of holding Azov, pointing out at the same time that they receive no lands from the crown, and have more trouble than profit in the levying of taxes and excise duties, and generally suggesting to the czar the impossibility of increasing their payments.

The "memorial" of the hundredmen and headmen of the black hundreds and townships, a name under which must be understood the representatives of the rural population, contains more or less the same complaints and similar

desires. The people are exhausted by taxes, forced labor, military service, etc.; they have also suffered much from fire; the *voivodes* have ruined them by their exactions; so miserable is their condition that many of them have run away, leaving their houses and lands. The conclusion of this very interesting document has unfortunately not come down to us.

Our general impression on reading the memorials or petitions of this *sobor* is that, although all estates were unanimous in their patriotic desire to keep their hold on the newly conquered fortress, they still felt themselves scarcely in a position to bear the expense of a new war with the Turks; and sharing in these apprehensions, the czar did not dare to incur the responsibility, and sent orders to the Cossacks to withdraw from Azov.

The *sobor* of 1642 was the last general assembly convened by the first of the Romanovs.

Although the direct successor of Michael, Alexis Michaelovich, ascended the throne without entering into any covenant with his people, nevertheless the *sobor* was called to confirm the act of his coronation. This happened in 1645. Four years later the *sobor* was called upon to aid in the important business of codification. Modern inquirers have brought to light the fact that the petitions presented at this assembly more than once furnished important materials for the reformation of the Russian law, and that their influence may be traced through the whole code of Alexis (known under the title of *Ulozhenie*). During the following year the *sobor* was again convened at Moscow in order to advise the government as to the suppression of insurrectionary movements in different parts of the empire, and especially at Pskov. The assembly advised lenient treatment of the insurgents, and the government acted accordingly.

In 1651 and 1653 the *sobor* on two different occasions

declared itself in favor of the annexation of Little Russia. This country had been liberated from the Poles by the *hetman* of the Cossacks, Bogdan Chmelnizky, who soon afterwards offered it to the czar of Russia. It was feared that the acceptance of this offer might involve Russia in a new war with Poland; therefore the advice of the *sobor* of 1651 was only conditional. If Poland acquiesced in the demands of the czar, Russia was to abstain from annexation; if not, the risk of a new war ought not to be avoided, and Christian brethren were to be taken under the protection of the orthodox czar. Three years later, when the Polish king, Jan Kasimir, entered into direct alliance with the ancient enemies of Russia—the Swedes and the Crimean Tartars—and when, therefore, no doubt could be entertained as to the necessity for war, the *sobor* openly invited the czar to take the *hetman* and the Cossacks of the Dnieper "under his high hand, together with their cities and lands, and that in order to preserve the true orthodox church." The delegates spoke of their readiness to fight the Polish king and to lose their lives for the honor of the czar.

The *sobor* of 1653 was the last general assembly called in the time of Alexis. Following the example of his predecessors, the czar on several occasions also convened representatives of one single estate to consult with them on matters directly concerning their order. Such an assembly of notables sat in Moscow in the year 1617. It consisted chiefly of Muscovite merchants. It was convened to hear the opinion of Russian tradesmen as to the desirability of granting to English merchants trading in Moscow, and to their chief agent, John Merrick, the right of making explorations in search of a new road to China and India "by way of the river Ob." The majority of the delegates were opposed to the project.

The same feeling of animosity toward foreigners found its expression in 1626, when on the demand of English

merchants to be allowed to trade with Persia, the members of the guild of guests and the Moscow merchants insisted on the necessity of upholding the monopoly which the Muscovite tradesmen enjoyed in going to Astrakhan to buy Persian goods. The majority of the merchants declared themselves unable to compete with foreign merchants, and even the minority were of opinion that if free trade were permitted to English traders in return for large payments made by them to the crown, this liberty ought not to be extended to the traffic in Russian commodities. Half a century later, in 1667, the same Muscovite merchants, consulted by Alexis, stoutly opposed the demand of Armenian merchants for free trade in Persian commodities, and begged the government not to endanger their own trade by foreign competition. Ten years later the Moscow tradesmen, together with the delegates of the black hundreds and villages, were called together to give their opinion as to the causes which tended to raise the price of corn. They complained of engrossers and asked that their practices might be forbidden in future. They also spoke of the great damage agriculture had sustained through recent wars. The increase in the number of distilleries was also mentioned as one of the principal reasons for the dearness of corn.

In 1681-82 the "men of service" were convened together with the *douma* to reform the military administration. It was this memorable assembly which abolished the old custom of appointing men to the chief posts in the army not according to their personal merit, but to the rank of their family and the length of time it had served the state; and which also ordered the heraldic books to be burned.

The last instances we have of the convening of the Russian *sobors* belong to the period of internal troubles which followed the death of the Czar Theodore. In 1682 a *sobor* to which the inhabitants of Moscow alone were summoned,

pronounced itself in favor of the occupation of the vacant throne by the youngest son of Alexis, the future emperor, Peter the Great. A new assembly, which in its composition answered even less than its predecessor to the idea of a general representative council, was convoked a few months later by the party that favored the political designs of the Princess Sophia, sister to Peter the Great. It insisted on the division of the sovereign power between the two brothers of Theodore, Peter and John. Princess Sophia became from that time the real ruler of the empire. Again Moscow alone was represented, though the acts speak of the presence of delegates from all the provinces and cities of the empire.

It was in 1698 that the *sobor* was convoked for the last time. It was called together to pronounce judgment on the Princess Sophia, who during the absence of Peter the Great in the western states of Europe, had tried by the help of the *streltsi* (a kind of life-guards) to seat herself on the Russian throne. The only contemporary writer who mentions this assembly is a German of the name of Korb, who was secretary of the German legation. According to him the young monarch insisted on this occasion on the presence of two delegates from each of the estates, beginning with the highest and ending with the lowest. Unfortunately no information has come down to us as to the decision arrived at by this quasi-general representative body of the Russian people.

One fact especially merits our attention: The *sobors* were never abolished by law. They simply ceased to exist just as did the states general of France from the beginning of the seventeenth (1613) to the end of the eighteenth century. No legal act, therefore, lies in the way of a new convocation of the representatives of the empire. Should the present emperor convoke them, in so doing he would be in perfect accord with the first founders of his dynasty,

and also with the promises contained in the *Magna Charta* of the first Romanov.

Turning from the political history of the old Russian parliaments, we will now consider their internal constitution. As we have seen, the seventeenth century introduced a complete change in their composition. During the reign of John the Terrible the administrative and military classes alone had been represented; from the time of the interregnum the *sobors* became meetings of delegates from all the different estates. The following were the classes of the people who were represented: the superior clergy, the higher nobility, the lower clergy, and the lower nobility, or, what is the same thing, the ministerial or knightly class, as they were called at that time, the three guilds of Muscovite merchants, the citizens of the different urban districts, and on two different occasions, in 1614 and 1682, the black hundreds and villages, which meant, in the technical language of the time, the peasants established on the lands of the state. Serfs, and persons who had lost their personal liberty on account of debts or any other reason, were never admitted to the right of representation. The army was very often represented by delegates from the regular regiments, such as the *streltzî*, and some irregular troops, the Cossacks for instance. The large extent of the Russian dominions and the consequent remoteness of certain places from the metropolis, was a natural barrier to the appearance of certain delegates at the *sobor*. It was for this reason that the cities of Siberia remained without representation. Other places less remote got exemption from the duty of choosing delegates on account of the bad state of the roads and the difficulty and even danger connected with traveling. Some few considered it a great burden, on account of the expense of the journey and the maintenance of the delegates. In this they acted like those mediæval English cities and boroughs which under the Plantagenets

did their best to shirk the duty of representation. The number of persons sent by each electoral circuit was not strictly fixed. Generally the writs of summons speak of two or three delegates.

The electoral district was, as a rule, the city and its outlying parts. Larger cities, as Novgorod, constituted by themselves several districts; in Novgorod there were no less than five such districts. The metropolis (Moscow) was largely represented by delegates from the lower nobility, by those of the three classes of Muscovite traders, and the representatives of the black hundreds and villages.

The writs of summons were addressed to the *voivodes*, or governors of provinces, and to the *goubnii starosti*, or elective district heads.

To give a clear notion of the mode in which the elections were managed, a translation of one of these writs is necessary. The writ in question was issued on the 9th of September, 7128, counting from the beginning of the world (that is, the year 1619): "In the name of the Czar Michael, the *voivode* of Oustujna, named Boutourlin, is ordered to elect among the clergy one man or two, and from the nobility (the sons of *boiars*) two persons, and two more from the inhabitants of the urban district (*posadskii liudi*). The persons must be well-to-do and intelligent, capable of narrating the wrongs they have sustained, and the oppression and destruction which they have suffered. The election rolls must be sent by the *voivode* to Moscow, and should be received not later than on St. Nicholas's day."

The *voivode*, or *goubnoi starosta*, as soon as the writ was in his hands, summoned the electors and ordered them to proceed to the nomination of their delegates. Each estate or order acted separately. In answer to the writs they had received, the *voivodes* sent in a detailed account of the election proceedings. Several of these very interesting documents have been found in the archives of the ministry

of justice in Moscow. Professor Latkin has published a great many of them in his valuable "Materials for a History of the *Sobors*," and in the reading of them, the conclusion is arrived at that the election as a rule was made by the estates themselves, without the intervention of the *voivode*. "The nobility of Voroneg," states the *voivode* of this place, Prince Alexis Krapotkin, in the year 1651, "have elected from among themselves two persons, the one called Trofim Michnev, and the other Theodor Philoppof, the citizens, only one person, named Sacharof; and I, your majesty's slave (*cholop*), have sent you these three men to Moscow." The action of those *voivodes* who, instead of consulting the electors, proceeded to a direct nomination of the delegates, was sometimes disavowed. Such was, for instance, the case of the *voivode* of Kropivna, a certain Astafiev. In the letters sent to him in the name of the government, he was greatly blamed for having misunderstood the orders given to him: "The nobility were asked to elect a good nobleman from among themselves, and you had no justification for making the nomination of the delegate yourself."

The delegate belonged, as a rule, to the same estate as his elector, but it sometimes happened that on account of the small number of persons capable of supporting the burden of representation, a person of another order was intrusted with the duty of delegate. The *voivodes* and *starostas* mention more than once such facts as the following: In 1651 the *starosta* of Zvenigorod, Elizar Marcov, declares in a letter addressed to the czar, that it was impossible for him to nominate a delegate from among the inhabitants of the city district (*posadskii liudi*), for the best of them were engaged in masonry work at the Storojevoy monastery, accomplishing their "hedge duty," which they owed to the crown (*ogradnaia povinnost*). Another *starosta* from Kropivna wrote at the same time, that in his district the num-

ber of city residents was not more than three. They were all very poor, and gained their livelihood by going from one household to another to work at cleaning the court-yards. Therefore, he found it more suitable to name a gentleman to represent them at the *sobor*.

The delegates, as a rule, received instructions called *nakasi*, in which the electors stated their opinions on the chief subjects to be discussed at the general assembly. Unfortunately no documents of this kind have been preserved, and we know of their existence only through their being by chance mentioned in some contemporary documents. Speaking of the delegates summoned to the *sobor* of 1613, the charters of the time directly state that they brought with them from Moscow "complete instructions" (*dogovori*) concerning the election of the czar. The delegates received from their electors the supply of victuals (*zapassi*) which they would need during their stay in Moscow. Nevertheless they very often made an application to the government for money to cover their expenses. This fact is mentioned more than once in the documents of the time. The writs of summons establish no rule as to the amount of fortune which a delegate was required to possess; they only recommend the election of "good, sensible, and wealthy persons, accustomed to treat of matters of state." This did not imply that the delegates were required to know the rules of grammar, or to be able to sign their names on the rolls of the *sobor* correctly. The number of illiterate persons was rather large even at so late an assembly as that of 1649, and they were to be found not only among the lower nobility and the representatives of cities, but also in the ranks of the *boiars*; not, however, in those of the higher clergy.

The ordinary place of meeting was the palace in the hall called the *granovitaia Palata*. Sometimes the *sobor* sat in the palace of the patriarch, or in the cathedral (*Ouspenski*

sobor). The session was opened either by the czar in person, or, as was more often the case, by one of his secretaries, who, in a written paper or in a speech, declared the reason for which the assembly was called together, and the questions it had to discuss. The reading of this address was listened to by all the delegates and all the members of the *douma*, and of the clerical synod. The division by estates took place immediately after, and each order deliberated separately on the questions which the government had proposed. The result of the discussions was presented to the czar in writing separately by each estate. The documents were drawn up by secretaries, specially attached for this purpose to the assemblies of the different estates. On two occasions only, in 1649 and 1682, were the members of the *sobor* assembled in two different chambers, a higher and a lower. The upper house was formed by the *douma* and the higher clergy, and the lower by the delegates of the lower orders. But the custom according to which each estate deliberated separately prevailed even on these two occasions, the higher and lower chambers being subdivided into as many sections as there were estates.

In answering the demands of the government, the delegates very often expressed their own sentiments as to the course of Russian politics. They complained bitterly of the wrongs done to the people by the officers of the state and judges; they pointed to the necessity of amending the whole executive and military administration; and by written petitions (*chelobitnia*), they insisted on the necessity of introducing certain amendments into the existing laws. The large part which these petitions played in the work of codifying the laws of Russia, a work which rendered illustrious the reign of Alexis Michaelovitch, has been amply recognized by recent inquirers, and especially by Ditiatin, Zagoskin, and Latkin.

The decisions at which the different estates arrived were at the end of the session condensed into one single document, known under the name of *zemskii prigovor*, which means the general verdict of the land. Several documents of this kind have been preserved. They are sealed, as a rule, with the seals of the czar, of the patriarch, and of the higher orders. As to the lower orders, their members kissed the cross in sign of approval.

Having thus considered the political history and internal constitution of the *sobors*, we will now examine the functions which they discharged. Foreign residents, and among them the well-known Fletcher, have noticed certain weak points in their organization which prevented Russian representative assemblies from rising to the level of English parliaments. Fletcher makes the ingenious observation that the members of the *sobor* had no right to present bills. This does not imply that the initiative of all reforms could proceed only from the government; more than once the estates complained of wrongs which were not mentioned in the address from the crown, and asked for reforms which had not been thought of by the government. But their right to petition the crown did not go further than that of the French states general. Like them the *sobors* were unable to provide for the fulfillment of their demands, and for the same reason that prevented the states general of France from getting into their own hands the legal power. The right of initiating reforms, which the English parliament began to exercise under the Lancastrian kings, remained totally unknown in France as well as in Russia. At the time when the English parliament were replacing petitions by bills, the French estates continued to present their *cahiers de doléances*, leaving to the government the right of taking in its *ordonnances* no notice whatever of their demands. The same was also the case in Russia, where new laws were directly decreed by the czar and his

douma, and the "general verdict of the land" remained for years and years inoperative.

If the *sobors* played only a secondary part in matters of legislation, the control that they exercised over the executive machinery of the state was even less efficacious. One cannot find a single case in which royal counselors were removed and new persons appointed in their stead at the express desire of the *sobor*. The Muscovite government was, it is true, in no way a parliamentary government. Nevertheless, the fact does not prove that the *sobors* had nothing in common with English parliaments or French states general. We must not forget that mediæval Europe was, as a rule, ignorant of parliamentary government, and that assemblies like the Mad Parliament of Oxford or the revolutionary French Estates of 1355, both of which tried to establish a kind of cabinet, were but exceptions. Although the *sobor* had no right to impose on the czar the obligation of calling certain persons to his counsels, the part it took in the general politics of the country was a large one. We have had occasion to show that questions of war and peace were settled by its advice. Both the surrender of Azov and the annexation of Little Russia took place in compliance with its desires. And though the *sobor* was denied the right of choosing the ministry, it had a much higher right, that of choosing the czars. On this point it had no grounds to envy either the English parliaments or the states general of France.

So long as the new dynasty of the Romanovs remained faithful to the engagements entered into by the Czar Michael, that is to say, during the first part of the seventeenth century, the voting of subsidies was as much the function of the Russian representative assembly as it was of the representative assemblies of England, France, Germany, or Spain. During the greater part of the reign of the first Romanov no subsidy was levied, no benevolence extorted,

without the consent of the *sobor*. This scrupulous observance of its financial authority required its periodical convocation just as much as the meeting of the English representatives was needed many years before the introduction of triennial and septennial parliaments. Except during the period just mentioned, the *sobors* were summoned at irregular periods and only when the needs of the government required their help. Like other representative assemblies they were convened and dissolved by the sovereign, and had no right to assemble according to their own will.

If we would know what good they have done to Russia, we must study the part they have played in the removal of public grievances and the reform of justice. We must remember that more than once they opposed the oligarchical government of the *boiars*, the local despotism of provincial governors or *voivodes*, and the bribery and exactions of the bureaucracy of Moscow. We must remember how often they were the champions of justice and equality in opposing the system of judicial immunities, the extravagant donations of crown lands, and the exemption from taxation of the nobility and clergy. We shall then have no difficulty in acknowledging that their influence was truly beneficial. On several occasions they had the honor of participating in large administrative and judicial reforms, such as the codification of the law and the abolition of the abnormal custom by which offices in the army were held, not by men of ability and talent, but by those of aristocratic birth. Foreign politics were more than once treated by the *sobors* with discernment and practical good sense. Their patriotic and religious feelings did not keep them from recognizing the danger of a new war and the necessity of relinquishing a conquest which had been easily made. On the other hand, their natural dislike of new taxes did not prevent them from stretching out a helping hand to their orthodox brethren in their endeavors to emancipate them-

selves from the religious persecution of Catholic Poland. Though they opposed on one occasion the annexation of Azov, nevertheless on another occasion these representatives of the people of Great Russia openly manifested their desire for union with Little Russia, notwithstanding the possibility of a new war that would necessarily be followed by an increase in taxation. In the so-called "period of troubles" they stood forth as the champions of the national idea by the opposition which they made to every political combination which might have resulted in the submission of Russia to a foreign prince. In those unhappy days when so many provinces were occupied by Polish and Swedish soldiers, and the *boiars* were half gained over to the interests of Vladislas, the son of the Polish king, when Novgorod made a separate peace with the Swedes, and was on the point of recognizing the doubtful rights of a Swedish pretender, the political unity of Russia found champions only in the ranks of the lower orders represented at the *sobor*.

The history of these old Russian parliaments presents certainly a less dramatic interest than the history of English parliaments or French states general. Cases of conflict between the different orders convened to the national councils occur very seldom. We read of no vehement invectives, like those which the deputies of the nobility thundered forth against the third estate at the *états généraux* of 1613. We hear also of no compacts or associations between estates, like those which more than once allowed the English barons and burgesses to achieve a manifest victory over the king. The language employed by Russian representatives in speaking to their sovereign is moderate, and sometimes even servile. They like to call themselves the "slaves of his majesty," but in so doing they never forget their obligations toward their electors, to open the eyes of the government to "all the wrongs, depredations, and oppres-

sions committed by its officers." They are subjects, conscious of their duty toward sovereign and country, ready to sacrifice their life and estates for the defense of its essential interest; they are not slaves, afraid of opening their mouths or of offending the ear of the monarch by a truthful description of their wrongs. Their loyalty toward the czar finds a parallel in that which they entertain toward the Greek church. They are orthodox, and therefore ready to shed their blood in the defense of their creed, simply represented, as it sometimes is, by the images of the saints; but they have no inclination toward clericalism, and no objection to imposing taxes on the clergy and even to secularizing their estates for the good of the country and the advantage of the military class. Illiterate as were their members, it is not surprising that the *sobors* took no measure to increase the number of schools and educational establishments. They are probably the sole representative assemblies which never uttered a word about science or scholarship. It was chiefly due to their ignorance that their opinions about commercial intercourse with foreign countries were so little rational. It is not surprising if the whole policy of trade reduced itself, according to their understanding, to the elimination of the competition of the eastern and western merchants.

Besides the *sobor*, and as a regular consulting body, the *douma* of the *boiars* helped the czar in the accomplishment of his governmental and judicial duties. Contemporaries both of Russian and foreign birth equally show that, beginning with the time of Alexis, the convoking of the *douma* became less stringent, and that from time to time the czars settled questions of great importance by their own will, or asked advice not only of members of the *douma*, but also of strangers. Such is the direct statement of Fletcher, the Englishman, perhaps best informed as to the state of Russia in the time of Alexis; his testimony is confirmed by

that of Kotoschichin, who on the whole is rather unfavorable to the persons composing the *douma*. According to him, they sat with their beards on their breasts and did not open their lips. The general formula of the decisions taken by the czars mentions the fact either of the presence of the *boiars* at the hearing of the case or of their deciding a question which the sovereign had submitted to their consideration. As to the competence of the *douma*, it varied greatly, according to the wants of the time. In the reign of Michael the *boiars* sitting in council were called to a regular exercise of the duties of a high court of justice. As judges they were asked not only to deliberate but in the absence of the czar even to render decisions.

It was, on the other hand, in the days of Alexis, the second czar of the dynasty of Romanov, that a certain hierarchy began to exist between the different high offices, or *prikasi*, and the *douma* sitting by itself, without the czar, in the so-called "golden chamber," and settling there the questions of interior administration which the high offices had not dared to determine by themselves. These administrative matters were generally treated, not by all the members of the council, but by those specially commanded by the czar to attend such meetings, and constituting by themselves the so-called *raspravnaia palata*. The cases in which they had to decide were those in which either no law was known to exist or in which there was some doubt as to the mode of interpreting it. Every time when the members of the *prikas* could not settle the question in a unanimous way, it was brought before this minor council also. Thus it may be seen that in Russia, as in other countries of Europe, the council of the monarch, the *curia regis*, contained the germ of a high judicial court and of a high administrative body. Both were in the hands of the Russian nobility. The same directed also the different chief offices, and in this way administered and judged the

most different affairs of the realm. It was to its members that the czar intrusted the command of his army, chiefly composed of a kind of feudal troops, paid not so much in money as in land given for life. Finally it was to noblemen that the administration of provinces was confided. Nobody except a nobleman was to become a *voivode*, and as such to get his living by the regular exaction of donations. The word *kormlenie*, which means "nourishment," is eloquent enough of itself, and the *voivode's* asking to receive from the czar a city or province for his nourishment, leaves no doubt as to the fact that legalized bribery preceded in the evolution of Russian institutions the illegal bribery still in force.

As the gentlemen to whom the czar applied for directing the administrative and judicial affairs of his realm were neither learned nor very attentive to business, they had the assistance of some chief clerks and of a larger or smaller number of inferior scribes. Besides these, crowds of unregistered ones, certain poor scriveners, gained their living by writing private acts, such as demands addressed to the courts by the plaintiff, or replies of the defendant, the whole proceedings being carried on in writing in accordance with the formal method prevailing in the courts of the day. When the czar wanted to attach some one to this or that special branch of administration and justice, he issued an order, a *prikas*, declaring that a certain person was thenceforth appointed to deal with such and such matters. As there was too much business for one man, two or three other gentlemen of inferior rank were appointed to assist him, besides a clerk or several clerks to help with the writing. The different offices created in this way, and known under the name of *prikasi*, or orders, obtained each its special budget. To this end certain taxes, or perhaps some state monopolies, were attached exclusively to this or that *prikas*.

No idea of a strict division of functions among the officers, according to the logical separation into different and distinct branches of the whole sphere of interior administration, appears in the distribution of state business among the *prikasi*. It is thus that several separate and independent offices had to do with the financial or military administration, and that newly acquired provinces, like Kazan, received a special direction, instead of having their state affairs managed with those of the rest of the czardom. To give an instance of the way in which the *prikasi* were formed, let us enumerate some of them. The *prikas* of the great palace procured bread, honey, ale, wine, for the court, and administered the boroughs and villages belonging to the crown; thus they exercised judicial duties by settling the civil differences of persons inhabiting these boroughs and villages, at least as long as a special judicial *prikas* of the great palace had not been created for the purpose. The *prikas* of the great palace was also empowered to nominate *voivodes* in the boroughs depending on it. The strangest thing was the submission to the same *prikas* of all the civil interests of the clergy, white and black, the last meaning the regular clergy. All civil judicial suits concerning the clergy were settled in this *prikas*, at least until the year 1649, when a new office, called the monastic *prikas*, was created; it remained in existence only until the year 1677, however, when it was once more united with the *prikas* of the great palace. If we add that from time to time a special *prikas* was instituted to provide the palace with bread, and another to superintend the manufacture of silver or gold vessels for the czar's table as well as for the church, and still another to provide for religious services in memory of deceased grand dukes and czars and of all their family, it will be readily seen how incoherent was the distribution of functions among these boards.

There is no need to give a list even of the most impor-

tant of these boards; it will suffice to mention the fact that a special *prikas*, that of embassies, dealt with foreign diplomacy, as also with all the foreign agencies established in Russia. It superintended the granting permission for foreigners to enter Russia and for Russians to leave their country. Lastly, this board was a kind of superior post-office, the post being controlled by foreigners and established only on highways leading to foreign countries. The power to grant remuneration for service in the form of life-long benefices was concentrated in the hands of another special *prikas*, the *romestric*. The administration of the army was divided among a great many like offices: one having to deal with the *streltzi*, the standing infantry troops first created in the time of Basilius III.; another with the standing cavalry, newly formed in the time of Alexis; two others, again, with the light troops of the Cossacks and the foreign regiments in Russian service; and so forth. And the financial administration was likewise in the hands of several *prikasi*, especially of that called "the great treasure." Further, a number of whole provinces, such as Siberia, Little Russia, and the old czardom of Kazan, had their interests confided to special *prikasi*. The little that has been said about the organization of these high offices in Russia will suffice to show that no strict separation of financial, administrative, and judicial functions was known to exist during the seventeenth century, although some of the *prikasi*,—for example, that called "of brigandage,"—had already the aspect of a criminal court for the grave offenses.

Now as to the inferior and subordinate courts: criminal cases from the time of John the Terrible had been judged, in first instance, by chosen district justices, the so-called *starostas*; later on, the jurisdiction of these judges was extended, at least in cities, to cover civil cases. But elected justices, living not by salary but by fees received from the

pleading parties, soon became as prejudicial and hateful as the nominated *voivodes*. Besides, the system of intrusting the settlement of civil suits to chosen judges does not seem to have been followed very strictly; otherwise the states general of 1642 would have had no occasion to protest against the ruin brought on them by *voivodes* appointed in cities, contrary to the previous practice of sending these *voivodes* into citadels situated on the frontiers of the realm. And when we remember that criminal justice administered by the governors of provinces, the *voivodes* and their clerks, was quite as inhuman as that of the same period in all Europe, we cannot wonder at the constant complaints against the treatment of offenders, nor at the hatred of the common people against the Russian *boiars* who held these judicial offices. Capital punishment, for instance, was prescribed, not only in cases of manslaughter, but also in all offenses against the church and state; counterfeiters had boiling metal poured into their mouths; while word-of-mouth offenders against the emperor had their tongues cut out, besides being beaten with the knout.

Another fact which at this time strengthened the hatred of the common people for their superiors, was the bringing to an end by the Russian nobility, with the direct help of the czars, of the secular evolution by which the Russian peasant from a free occupier of the land became a bond-serf. This subject, deserving a special study, cannot be here treated at length. It will be necessary only briefly to mention the facts which determined the disappearance of the right once enjoyed by peasant lease-holders, in arrear with their rents, to be bought up by some neighboring gentleman, who then transported the delinquents to his own estates. This practice was generally followed by the wealthier sort of the nobles. No wonder, then, that in order to protect the less wealthy, the government reduced the right of migration of the peasants to a certain day at

the end of the harvest—St. George's day—and recognized the land-proprietor's right of reclaiming a runaway peasant any time during a period of five years following the date of flight.

Measures of this description were already taken at the end of the sixteenth century when Boris Godunov, the future elected czar of Russia, was the all-powerful ruler of the country under the incapable son and successor of John the Terrible. It is not astonishing, therefore, that in the "time of troubles" the Russian peasantry thought also of putting forward a pretender of their own. Such was the imposter, Bolotnikof. He inspired the high and middle classes with no confidence, but was followed, according to contemporary documents, by runaway slaves and peasants, the discontented population of the frontier towns. The Cossacks and the *streltzî* were also among the first to give him their support. The patriarch, Hermogen, whilst speaking in his sermons of the letters sent by the new pretender, tells us that they contained an order to all the slaves of the *boiars* to kill their masters and annihilate their families. Bolotnikof promised that the estates and benefices possessed by the *boiars* should pass into the hands of the commonalty, and that peasants should have also the right to become *voivodes* and clerks. These promises found a ready belief, according to the so-called annals of Nikon. The inhabitants of towns seized the *boiars* and threw them into prison; their houses were destroyed, their movable goods stolen, and their wives dishonored. The bands commanded by Bolotnikof, himself a runaway slave, went as far as Moscow. Other bands, formed of Finnish natives, known under the name of *Mordv*, and incited to rebellion by the appropriation of their best lands by Russian colonists and the so-called "men of service," placed themselves willingly under the lead of a fourth pretender, a Cossack of the Terek, who called himself Peter, son of the Czar Theodore. Of course

all these bands were in the end destroyed, but the very fact of peasants rising under the leadership of pretenders as a protest against the social organization of the realm, inspired some doubts as to the feasibility of bringing about the enslaving of the Russian commonalty. Unfortunately the Romanovs took no notice of this warning, and the Czar Alexis introduced into his code of law (the *Ulozhenie*), a chapter according to which everybody was deprived of the right to receive on his lands the runaway peasant; likewise the limit of time beyond which the landlord lost the right to reclaim such a person was abolished.

To what extent the common people felt the harm done to them by the social and political oppression of the higher nobility appears in the rapidity with which the rising of a Cossack of the Don, Stenka Razin, under the reign of Alexis, turned to a mass rebellion of all the oppressed, beginning with the slaves and serfs, continuing with the natives of the Volga, and ending with the Cossacks garrisoned in some bordering towns. The rebel chief addressed persons arrested by him in this way: "I came to beat *boiars* and rich men, and am a friend to all poor and all common people." This expresses very well the general character of the rising, or rather, set of risings, connected with the name of Razin. These risings began as early as 1668, by an expedition in large boats to the eastern shores of the Caspian, whence the chieftain returned with great booty and was allowed to go back to his previous abode, notwithstanding his successful attacks on some detachments of the *streltzî* and on the *voivoda* of Czarizon. Although Stenka was pardoned by the czar, he continued during the next years to trouble the public peace and to prepare for a new and greater raid. To those who regretted their having sided with him on a previous occasion, he generally said: "You fight for the traitorous *boiars*, and I, with my Cossacks, for the great lord, the czar." The cities

of Czarizon and Astrakhan were taken by Stenka during this long-prepared second insurrection. The *voivode*, Prince Prozorovsky, and the bishop were both executed. They were thrown alive from the bell-tower of the cathedral.

Razin went thence to the north along the Volga. As soon as he appeared before Simbirsk, the inhabitants opened the gates, but the citadel was held against the aggressors by the *streltzî* and the *voivode*. A whole month the rebel chief remained before the wooden fortress, not being able either to take it by assault or to burn it, but during that time his army was increased both by crowds of bond-slaves and serfs and by natives, such as Cheremisses, Tchuvashes, and Mordv. Although an army sent from Kazan, under the command of Prince Bariathinsky, won a decisive battle over these bands, the rebellion was not yet quelled. The letters sent by Razin had produced their effect, among the natives as well as among the serfs attached to monasteries and bishoprics. The Abbey of Makariev, where many rich persons had concealed their treasures, was accordingly taken and plundered. At the same time, on the private estates of the Prince Odoevsky, situated in the governments of Penza and Tambov, the rising became general; very often the rebellious peasants were led by priests, such as the priest Sava in Temnikov.

At length, however, the *voivodes* quelled the insurrection by fearful massacres. They sent rebels with their hands and feet cut off, to announce and illustrate the fate awaiting all who might wish to support Razin. The latter sought a refuge again on the Don, but this time he was betrayed by the *attaman* or headman of the unrevolted Cossacks. A grizzly fate awaited him in Moscow. After having been flogged and tortured by fire, he was put to a new torment—cold water fell drop by drop upon his head, previously shaved; it was only some days later that he was quartered alive by the hangman and his entrails thrown to

the dogs. Notwithstanding all these cruelties, the *boiars* were unable to get from Stenka, before his death, an answer as to the place where he had concealed his treasures; the rebel died without uttering a single word to show his sufferings.

Razin made war on the *boiars*. These same *boiars* were denounced for causing the Cossacks of the Dnieper, who, under Boydan Chmelnizki, had violently separated themselves from Poland and concluded a treaty of allegiance with Russia, to break their promise under the next *hetman* or chief, Vigovsky. He pretended that the *boiar*, Scheremetiev, sent by Alexis into Little Russia, was extorting numberless sums of money and appointing *voivodes* in the towns without a previous understanding with the *hetman*.

But it was not only in matters of civil administration that the aristocratic rule of the *boiars* and noblemen brought with it a real damage to the country. The maintenance of the feudal aristocratic organization of the army endangered at the same time the safety and independence of the Russian state.

In the "period of troubles" Russia, engaged in war with Poland and Sweden, was far from being the winner. Vainly did Michael, under the influence of his father, Philaret, and contrary to his own wish, try to renew hostilities with Poland. Smolensk was besieged by the armies of Sigismond, the whole garrison had to capitulate, and by a shameful treaty Russia yielded to the demands of the Poles and abandoned to them the old Russian city and principality of Smolensk. The chief cause of all the losses sustained by Russia in the first half of the seventeenth century lies, no doubt, in the fact that whilst Sweden, from the time of Gustavus Adolphus, and to a certain extent, Poland, had standing armies ready for the field, the bulk of Russian forces was composed of feudal bands serving, not for a fixed salary, but for grants of land in

tenancy. So long as free Russian peasants continued to farm the landed estates of the squires, the latter, living on the rent paid to them by these farmers, found less difficulty in giving themselves up more or less entirely to the accomplishment of their military duties. They equipped their men and brought them often from a great distance at the first summons of the czar. But with the complete establishment of serfdom, the system of small culture exercised by peasants, giving to the lord a definite share of the annual revenue, was superseded by that of large estates, managed by the landlord himself, who cultivated the area with the help of bondmen holding in common certain portions of the manorial land. Too busy in the daily work of directing and controlling his unpaid laborers, the lord was unable to answer the summons to immediate service. The number of persons not attending to their obligations, as far as the defense of the country was concerned, increased considerably, notwithstanding the severe punishments inflicted on the tardy ones. They were known under the special name of *netchiki*, the absent. On the other hand, among those who were present at the muster, more than one appeared with a band either insufficiently equipped or badly trained; the squire either would not spend the means necessary for a complete equipment, or he would not keep his peasants from their plows long enough to familiarize them with the regular military drill.

In her power of resistance to foreign invaders Russia remained, therefore, behind other European states. No wonder that as early as the middle of the sixteenth century the czars tried to create, side by side with the feudal levies, standing troops, trained and equipped on foreign models, or to engage foreign soldiers and troops to serve for a regular wage. In this way were formed the infantry and cavalry regiments commanded by foreign officers and composed of men enrolled by conscription, or of volun-

teers. During the war with Poland, in 1632, Russia had six of these crown regiments, counting, altogether, ten thousand soldiers trained to use firearms and receiving regular pay. This number was almost four times as great in the reign of Alexis, when even in a period of peace twenty regiments of infantry, called *streltzî*, were stationed in Moscow, and as many more in other parts of the country. Each regiment contained from eight hundred to one thousand men.

Such a change in the military necessarily resulted in augmenting the state expenses, and therefore the amount of direct taxation. Russia was thus placed in the situation of France in the time of Charles VII., when the formation of a regular army by the well-known ordinance *de la gendarmerie* ended in the levying of a regular impost, the *taille royale*. No wonder that in the seventeenth century the so-called *streltzî* tax became in Russia the most important of the direct contributions. In the sixteenth century it had consisted chiefly of small payments in kind—usually grain. Now it became also a money impost. In order to increase the revenue of this tax the government in the years 1679 and 1681 changed the mode of its distribution, introducing the *hearth* as the unit of imposition, instead of a certain fixed amount of land, called the *socha*.

But this increase in the expenses of the state occasioned likewise an increase of indirect taxation. Customs and excise duties in the year 1680 amounted to forty-five per cent of the whole budget, whilst direct taxation of different kinds reached only forty-three per cent. But since the taxes came in very slowly, and the amount in arrears often reached two-thirds of the expected revenue, it was no wonder the government was more and more often obliged to have recourse to extraordinary levies. And so when the government could not make the revenues meet the expenses it began to extort from merchants and artisans

the twentieth and even the tenth part of their income. From what has been said it will easily be seen that military and financial difficulties, endangering the safety of the country, at the end of the seventeenth century required, above all others, the attention of the government. Some recent historians, among them Professor Milukov, have therefore quite rightly established the hypothesis that the reforms of Peter were mainly occasioned by the impossibility of bettering the position of Russia with regard to foreign powers without a remodeling of her social, military, and financial conditions.

We have come to an end of this short sketch of Russian institutions as they were before the great changes brought into them by Peter and Catherine. These reforms, as we shall see hereafter, endowed Russia with a military and civil organization very like that of European bureaucratic monarchies of the seventeenth century; but they were unable to change at once the moral dispositions of the people, developed, to a great extent, under the influence of the eastern despotism to which they had submitted during several centuries. It is curious to notice that European travelers who visited Russia in the sixteenth and seventeenth centuries were puzzled by the influence which the institutions of the country had exercised on the psychology of the Russian people. "It is a question to decide," says Herberstein, "whether it is the want of enlightenment of the people that rendered necessary the tyranny of the rulers, or whether it was the latter that made the people rude and cruel." According to the same authority, the Muscovites were astute and deceptive to such an extent that as soon as Novgorod and Pskov were conquered by John III. and Basilius, the inhabitants, entering into close intercourse with Muscovites of these cities, became just as dishonest in trade, whilst previously they were known to be the reverse. Another trait of character noticed by Herberstein is the

great contempt of the Muscovites for any mode of earning a living by work. It certainly could not be otherwise in a country where labor was performed by slaves and bondmen. The difference of rank was, at the same time, scrupulously observed in every-day life. So, for instance, a man of low birth and small fortune did not dare to enter the courtyard of a man of superior position on horseback. Even inferior noblemen did not like to appear in public, fearing to lose their prestige. They were so much afraid of mixing with the masses that those who had some money would not consent to journey on foot even the distance of five houses from their own, unless followed by a horse ready for mounting.

Comparing this statement of the Austrian traveler with contemporary accounts written by Italian, French, English, Danish, or Swedish authors, we are puzzled by the fact that they all point to the same traits of character, and all, more or less, consider them as derived or at least influenced by the political state of the country. Vile subserviency to superiors and unbounded arrogance to dependent persons prevail, according to these accounts, among the higher order. The czar does not shrink from commanding corporal punishment for those attending his person. Antonius Possevin, a Jesuit, who visited Russia in the time of John III., and whose little treatise entitled "Moscovia" appeared in nearly all the languages of Europe, besides Latin, states that even members of the highest families are not exempt from such treatment. No wonder that landlords and noblemen behaved in the same way to their inferiors. In the numerous treatises of moral character which appeared in old Russian, the practice of chastising slaves, children, and attendants is highly recommended, and the theory that the soul is saved by the sufferings of the body. Some Russian historians, among them Zabelin, pretend that the patriarchal character prevailed in the relations

of superiors to inferiors during the whole period which preceded the remodeling of Russia on foreign standards. The relations of the czar to his *boiars*, according to them, were imbued with this character, just as that of the head of a family to his wife, children, and servants. This may be true, but it does not suffice to explain why a Russian *boiar* did not think himself disgraced by acts which a French nobleman would consider to be the grossest attack on his honor. And that time brought no material change may be seen from the following description: In 1654 the Czar Alexis, taking leave of the army commanded by Prince Troubezkoi and sent to fight the Poles, is saluted by the *boiars* and men of service in this manner: "They were called to kiss his hand after having bowed to the earth—the younger ones seven times, and the chief commanders thirty times."

In private life we find the same outward subserviency of the wife, children, and servants. In one of the many treatises on the way in which a house should be kept, we read that a husband and head of the family must behave toward his wife, children, and servants just as the prior of an abbey, who does not shrink from administering punishment to those who are not going the right way. "If the husband sees," says the text, falsely attributed to a minister of John the Terrible, the priest Silvester, "that his wife or servants are not behaving properly, he must punish them with moderation and in private. He does the like with his sons and daughters." Beat your son in his youth, and he will take care of you when you are old. If you love him, increase the number of blows. Let him not do what he likes, but strike him on the ribs. Nothing is so clever, so healthy, and so inspiring to fear and obedience as good flogging personally inflicted by the husband on his wife. Women, according to ideas widespread in the East, are a sort of impure being. Russian clerical writers of

the Middle Ages debated quite seriously the question as to a room's becoming impure after a married woman had given birth to a child in it. For three days such a room was not to be visited, after which it had to be washed and a prayer read. The same author asks what is to be done if a woman sews into rich ecclesiastical vestments a handkerchief belonging to her. Is not the gift to be considered impure? Of course under the influence of such superstitions, the Russian woman looked upon the retired and veiled life of a nun as the highest feminine ideal. Herberstein mentions that a woman who allows strangers to see her is considered in Muscovy to behave improperly. Seldom are women permitted to go to church and much less to friendly entertainments. The mistress of the house does not dine with the guests. Kotoschichin tells us that she appeared only for a moment before the banquet, to salute the persons invited and to receive their salutations.

The lack of political freedom and of any social equality was the source of other unsympathetic features in the character of the Russians. Fletcher, in his well-known book on the "Russia Commonwealth," says, that being obliged to suffer from those above him much hardship and cruelty, the common man becomes just as hard toward his inferiors. "This," says the author, "explains the reason why a peasant who crawls to the feet of a nobleman becomes himself an awful tyrant as soon as brute force is on his side." This social inequality accounts, too, for the great number of murders and robberies committed yearly in the country. Margeret, however, gives another reason for this fact. "Noblemen do not give their slaves food enough, a fact which induces them to fall at night upon persons passing by the road, and to deprive them of their goods." The tyranny exercised by all who were in power produced, also, its result. According to an English authority, Jenkins, whose statement is confirmed by a Russian writer, John Timo-

thief, the Russians were "great liars and hypocrites; they very often change their minds, going round like a millstone."

Nearly all foreign authorities agree in saying that the Russians were very ignorant. Possevin says: "The only thing they learn in their schools is to read and write. Any one who would like to acquire some other knowledge becomes suspected and gets punished." This author thinks that the Muscovite rulers wish to keep their subjects in gross ignorance. For this reason they do not allow them to travel abroad, rightly believing that it would be difficult to keep men better educated in unlimited bondage. Margeret declares that the ignorance of the people is the reason for their outward piety. For the people were assiduous churchgoers and passed many hours attending divine service. The bishop of Antioch, who visited Russia in the middle of the seventeenth century, could not bear the long hours of standing in Muscovite churches. Paul, of Aleppo, who wrote the account of the bishop's journey, says that during Lent Russians stood at worship on their feet from nine to sixteen hours, and this at night, and at times they appeared to be nearly dead from fatigue, hunger, and lack of sleep. This exterior piety spread itself mostly from the time when the marriage of John III. with the last heiress of the Byzantine Paleologues, Sophia, inspired the Muscovites with the pretension that their state was to become a third Rome—a fourth not being expected to arise. The people were accustomed, also, to liken themselves to a new Israel. And for all these reasons they believed that their country was to hold first place among all the Christian states.

Ivan

Ignorant, vain, and indolent as they were, the Muscovites could find no enjoyment but in drunkenness and gross immorality. The pleasure one derives from conversation, or from the society of well-educated women, was out of question for a people who were afraid to express their individual

opinions, and who had confined their women in a sort of private prison called the *terem*. All foreigners agree that spirits were used in Moscovy to a great extent, indiscriminately by men, women, and children. Margeret mentions this fact, as well as Daniel Printz, who likewise accuses the Russians of the grossest immorality, which very often took a quite Eastern form.

Although we admit there is much exaggeration in these stories of foreigners, and say they were prejudiced or not well informed, nevertheless we must conclude that the despotic government which superseded in Russia a period of numerous commonwealths, each of which chose its ruler from the dynasty of Rurik, and then entered with that ruler into a regular covenant, defining the rights and duties of both parties, was far from being beneficial to the moral character of the people. It was the want of enlightenment, of personal energy, of self-reliance, which rendered so difficult the task of reforming Russia to a European model. And it is with these defects of the national character that we are still concerned whilst trying to explain the reason why a strong and able people does not possess the political freedom and self-government necessary for the integral development of its moral wealth. Institutions disappear with greater facility than the traits of character which they have helped to form. And if, in our days, Russia has no longer to deal with *boiars* and serfs, she still suffers from the spirit of social injustice, and the want of public liberty, on which was based the Eastern despotism Ivan of a John the Terrible, or the pseudo-patriarchal power of an Alexis.

CHAPTER IV

RUSSIAN POLITICAL INSTITUTIONS IN THE EIGHTEENTH CENTURY—THE REFORMS OF PETER THE GREAT

The reign of Peter the Great is the turning-point of Russian history. If Russia is a European state, it is to him that she owes it. For Peter, finding Russia an Eastern state, its only available coast upon the Caspian Sea—the port of Archangelsk was too far north to be a serious factor in the commerce of Europe—made her the rival of Sweden upon the Baltic, and by taking Azov opened for her a way to the south. To attain this end, he remodeled the Russian army, created a Russian navy, and totally changed his country's financial and civil administration, putting an end to the existence both of the *sobor* and the *douma*, the *prikasi* and the *voivodes*. Instead of them was established, as will appear later on, a bureaucratic system of administration, very much centralized, but not entirely excluding local self-government as far as cities were concerned. In all this Peter had only to follow the examples given by Western nations. It would, however, be ridiculous to blame him for not having maintained, or even developed, the elements of representative government contained in these pale copies of foreign diets and parliaments which the *sobors* were during the sixteenth and seventeenth centuries. The thorough change which Peter wished to bring about in the social and moral condition of the nation was not to be achieved by an assembly of persons imbued with religious and class superstitions, very often illiterate, and for that reason, heedless of public instruction. The Russian *sobors* are probably the sole representative assemblies

which never uttered a word about science or scholarship. And they were equally opposed to the freedom enjoyed by foreign merchants. Their whole policy of trade reduced itself to the elimination of competition.

With the assistance such an assembly could render, no general reform was likely to be accomplished. It may be easily understood, therefore, why Peter, the greatest of Russian revolutionists, never tried to associate the *sobors* in his work. Enlightened despotism found that in Russia it was just as difficult to go hand in hand with the assemblies of the states as it was in Austria in the time of Joseph II. And to understand fully the reasons which prevented the further development of the Russian national councils, we must bear in mind the fact that the time in which Russia, by the genius of Peter, was thrown into active intercourse with European powers was far from being the golden age of representative government. When the *sobors* began to take root in the Russian soil, the fall of deliberating assemblies had already begun all over the continent. The last meeting of the states general in France took place in the year 1614. After the treaty of Münster the German *Reichstag* and the *landstände* lost all political importance. The same fate had overtaken the *Cortes* of Castile and Aragon and the provincial *Diets* of Hungary and Bohemia. All over Europe autocracy was becoming the ruling principle of the day. Was it likely, therefore, that Peter should bring home from his long journeys in the West any particular respect for representative institutions?

What France, Germany, or Sweden could teach him was, on the contrary, the way in which monarchical power had been able to overcome any opposition to its growth, on the part of the nobility, of the clergy, or of the third estate. The best allies in this long struggle were the state officials, chosen, self-made men, owing nothing to birth, and everything to talent and zeal. Well paid by the

monarch, they could obtain that amount of personal independence from the different orders and parties which made them the sole interpreters of the sovereign will expressed in laws and ordinances. Brought together in large consultative bodies, the officials were enabled to debate and decide the current affairs of the state with the impartiality proper to a collective vote, and with the knowledge and experience attained by a long exercise of office. The whole provincial administration was intrusted to delegates from these same boards—persons appointed and revoked at pleasure by the monarch. It was in this way that collegiate assemblies, placed at the heads of the different departments, were enabled to centralize in the hands of their members the direction of central as well as of local affairs. The best instance of such a bureaucratic machinery was the administration established in France at the time of Louis XIII. and Cardinal Richelieu. The council of the king, with its increasing power, both administrative and judicial, the various high courts controlling the state accounts, the finances, the treasury, the management of demesnes and forests, not to speak of parliaments or tribunals of appeal—such were the collegiate boards which through delegates called *intendants*—the forerunners of the present *préfets*, generally taken from the lower ranks of the council of state—directed the whole police, judicial, and financial administration of the province. France was probably the first country, with the exception of Italian principalities, that had successfully applied the system of collegiate boards and administrative centralization. But it was far from being the unique example of well-ordered bureaucracy. At the time when Peter began his perigrinations on the continent, Sweden was generally praised for having brought to perfection the same collegiate system, both in central and local administration, and Peter witnessed himself the working of these institutions in the Baltic provinces which

had formed a part of the Swedish dominions, or in the south of Finland still subject to the Swedish crown.

In this chapter the attention of the reader is called only to one part of the multiform activity of the great emperor to whom Russia is indebted for being a European state. It is neither the most important, nor the one the real results of which could appear to the next generations. It is that of the remodeling of Russia's central administration. There is little doubt that the increase of knowledge, and especially of technical education, the opening of the Russian *terem*—the part of the house inhabited by women—to intercourse with the outer world, the abolishing of the old superstition according to which a man was appreciated for his birth rather than his essential merits, have done more for the remodeling of the Russian state than the endowing of Russia with bureaucratic institutions, borrowed from foreign countries. It is more especially these last reforms that the opponents of the greatest of the Romanovs, the Slavophiles, have in view when they declare that Peter was the evil genius who prevented Russia from following her historical destinies.

The Slavophiles accuse Peter the Great of introducing into Russia a bureaucracy on a foreign model, and of suppressing utterly every kind of popular government, central as well as provincial. They do this by idealizing the feeble germs of self-government which in the old Russian state the commonalty enjoyed, partly in the form of elected aldermen (*starosti*), called loyal and faithful men, *zilovalniki viernii liudi*, and partly in the form of mock parliaments, which under the name of *sobors*, as we have seen, did anything except represent the Muscovite people. Nor, so far as the facts show, can one say the accusation is entirely unfounded. In what he meant to be the regeneration of his country, no doubt the great reformer never once thought of associating the people with him, and from his point of view

for a very good reason, his subjects were quite averse to all his aims. And it may be asked, what were these aims?

The first of these aims was the strengthening of the military force for the purpose of giving successful battle to the Swedes, the Poles, and the Turks, and to the extending of the Russian dominion to the Baltic, a scheme which had already occupied the mind of the great czar of the sixteenth century, John the Terrible. For this end the first thing necessary was a complete reorganization of the military system; there must be established a standing body of disciplined, well-paid troops, having nothing in common with those occasional gatherings of raw squires, who were too busy looking after their private affairs to serve the state with the zeal and self-sacrifice quite essential to an efficient army. But since money had to be provided, for the reorganization of the militia as well as for making war, there must be a revision in the system of taxation. The existing system, a direct contribution falling, not on individuals, but on the entire family dwelling under one roof, had one vital defect: it enabled a large number of tax-payers to escape liability by getting themselves counted as a single family, or hearth. Thus many a large family, not existing in reality, was declared, for the sole purpose of diminishing the moneys due to the crown. Under such conditions it was quite natural to introduce into public taxation the reform contemplated by Peter the Great. It was to create, instead of the hearth or community tax, the capitation or poll tax. Since this system had already been tried in Sweden, Peter chose that country as a model in reordering the financial system of his state.

But these military and financial reforms necessary at the moment led, in the undertaking, by a natural sequence, to a total reconstruction of the entire administrative machinery. To understand the necessity for such a result, it will be necessary to recall what has been said in these pages as

to the close relation which existed between land-holding on the one hand and military and civil service on the other. In the Muscovite state of the sixteenth and seventeenth centuries, the so-called "men of service," like the thanes of Anglo-Saxon days, might be found in the ranks of the council, at the head of entire provinces, or in control of fortified cities and boroughs. Positions in the civil service were given as a sort of reward to well-deserving officers, who often, indeed, would petition the czar to appoint them to such and such a post in order that they might get their living. The technical term, as we have seen, was *pokormitsir*, literally, to have what to eat. Now, this living meant the possibility of turning to their own profit that part of the revenue of the province, city, or borough exceeding the sum of money due yearly to the crown as indirect taxes. Under such conditions the head of the local administration was naturally inclined to increase the charges falling on the people. And as no idea of a separation of the powers was yet thought of, the *voivode* was, at the same time, the head of the local army, of the local police, and of justice. Of course he did not exercise all these functions by himself; he required the aid of paid scribes, or the so-called *diaki*. Satisfied with the regular payment of amercements and other legal dues, the *voivode* left to the scribe the real exercise of current justice, and the latter, of course, took advantage of this situation in order to bribe pleading parties. The petitions addressed from time to time to the czar often mentioned complaints of this description. Indeed, the first of the Romanovs, the Czar Michael, was once obliged to recognize that the *voivodes*, and the other civil officers serving in the central boards or *prikasi*, determined all things contrary to the orders given them, and made use of brutal force, occasioning damages and exacting bribes in the shape of money gifts, or gifts in kind.

From the moment when, according to the reform brought about by Peter, the military administration, as well as the collecting of revenues, passed into the hands of officers directly nominated by the crown, the *voivodes* became, for the most part, local officers of justice and police. Not wishing to leave them without any control in the accomplishment of these responsible duties, Peter began by introducing, on the model of the German cities, such as Riga and Revel, on the Baltic, local boards known as *landraths*, and mayor-courts, or courts of the *burgomaster*. This step was, however, but a beginning; larger reforms were already in view. But military pursuits—the necessity of extending Russian power toward the Baltic, and of sustaining for this end a long war with Charles XII. of Sweden, and the Cossacks of the Dnieper, who, allied with the Swedes, were fighting under Mazeppa for their independence—prevented the great czar from giving himself up to internal reforms, and forced him to postpone to a later period the execution of those already in view. But the years employed in traveling over Europe, and in completing his own technical education on a Dutch wharf, as well as those passed in fighting the German and the Swede, were not lost entirely for the task of the future reorganization of the empire. In Paris, Peter is supposed to have expressed, in the following sentence, his utmost admiration for the chief creator of French administrative centralization, Richelieu: "If I had the chance of finding such a minister, I would with pleasure leave to his hands the half of my dominions on condition he would advise me how to rule the rest." This sentence, given by the French memoirs of the time, may be apocryphal; it expresses, nevertheless, with force, the great admiration which the new system of unlimited autocracy and centralization, initiated by Richelieu and accomplished by Louis XIV., produced among all the continental rulers, even so far as to Muscovy.

It is easy to understand that French institutions became, under such conditions, a model for the different states of Europe. They were indeed more or less slavishly imitated by the potentates of Sweden and Denmark; the more so, as the two last entered, at the end of the seventeenth century, into a successful war with representative bodies, and tried by the help of the lower people to put an end to the political encroachments of feudal aristocracy. This power of centralization accounts both for the close relation which may be found to exist between French provincial and central institutions, and those of these two northern kingdoms, and for the fact that these last became the models of Peter the Great. The well-known German philosopher, Leibnitz, is supposed to have called the attention of the great czar to the advantages of the system of boards, which, in Sweden, directed the different branches of public administration over individual ministers.

Peter, therefore, asked both Russian and foreign correspondents to elaborate for him a whole plan for remodeling the *prikasi* after the manner of the Swedish and Danish collegiate boards. But it is not to Sweden and Denmark alone that the reformer turned his inquiring eye; young statesmen, sent by him to Holland and England, were ordered to inform him in writing of all the high achievements which these two countries had arrived at, in political as well as in economical or commercial matters. They were at the same time asked to notice what, of all they reported, might be transplanted into Russia, under the sole condition of not altering its autocratic system of government. This condition alone tells why the English correspondent of Peter, Saltikoff, had not much to say in his memorial about parliament, and was even induced to lessen the real power of the House of Lords by a ridiculous likening of it to an ordinary council of state, having merely a debating voice in the affairs of the country. This necessity

of extirpating all germs of representation in the institutions they saw led other correspondents to speak of the first chamber of Sweden as a privy council, exercising no direct influence in the conduct of public business, or the creation of new laws.

The necessary result of all this could be no less than the following: The correspondents of the czar, whilst recommending the introduction of administrative offices, similar both to the collegiate boards of Sweden and Denmark, and to those numerous councils which the French regent, Philippe d'Orleans, wanted to create in the kingdom, according to the advice of the celebrated Abbé de St. Pièrre, precisely at the moment of Peter's visit to Paris, did not dare open their mouths on the delicate question of the reform of central government. And so all these new creations were submitted directly to the control of no one except the emperor. Now this was more than one man could do, even a man possessing all the energy and greatness of mind which distinguished the great reformer.

Peter, however, did not hesitate to take for granted his rights as chief controller. He administered personal correction to those grand officers of the state who did not resist the temptations of lucre. The majority of the offenders, of course, escaped punishment, because there was nobody to whom an appeal might be made in case of an illegal decision, taken either in administrative or judicial way, by the central boards. This was so much the case that in 1705 the old council of the *boiars*, the *douma*, ceased to exist and was replaced by no similar body, unless we consider as such the privy secretariate of the czar, the so-called *blijniaia kanzeliaria*.

From the moment when high birth and the holding of important offices by one's forefathers were no longer considered to confer a title to a seat in the privy council, and when persons of a low origin, gratified by a high place in

the bureaucratic hierarchy or by the so-called *tchin*, were to become the advisers of the czar, a reform made itself necessary—the creation of a special organ to take the place of the suppressed *douma*. Peter thought to meet the matter by creating, under the name of senate, a regular meeting of the high dignitaries of the state, to whom were to be united also the heads of the collegiate boards. This scheme was tried first on the occasion of another visit of the czar to Europe. Composed as it was, the senate was called, during the absence of the sovereign, to exercise the high functions of government. It directed public affairs, controlled the administrative and judicial bodies over the whole country, and judged, in first instance, political offenses, among which were comprehended all malversations against the public treasury, such as the forging of money. Besides the high officials, members of the senate, we find other persons at the head of provinces—generally thought to be of Swedish origin—corresponding, both by name and extent, to the French *gouvernements*.

From this short sketch of the composition and power of the senate it will be seen that the chief heads of public administration, central and provincial, exercised a supervision over their own actions. Forming, as a rule, the majority in the senate, these heads had but to make sure of the complaisance of a few dignitaries of the crown to escape responsibility for any excess of power they employed and injustice they committed. How much public business suffered under such conditions may be judged from the declarations of the czar himself. In a new order, published in 1722, according to which the heads of collegiate bodies were, with two exceptions, no longer called to sit in the senate, the czar says, "How may they be their own judges?" The authors of private memoirs written at this period, Bercholz and Bassevitch, comment on these words as follows: The first evil was, that in the boards nobody dared oppose

the opinion of a chief sitting in the senate; and the second, that on account of his presence in the senate, the chief of a collegiate body acquired the right of being unjust—*était le maître de détourner la justice dans son département.*

But this remodeling of the senate was not the only measure which Peter thought of as being the best method of introducing law and justice into his reign. Following again the example set by Sweden, he appointed, both in lower offices and courts and in the senate, public accusers, known as fiscals. The office of these fiscals was to investigate any private denunciation directed against such and such an official, or judge, or to set on foot on their own account private inquiries in order to discover the truth as to the dealings of persons employed in public service. Unfortunately, it soon became manifest that these public controllers made use of their unrestrained powers for no other end than to extort from the parties as much money as they could. The reformer felt once more the necessity of supervising the activity of these all-powerful agents. For this reason a new high officer was created and called to a seat in the senate. It was the so-called procurator general, and he was empowered to control both the management of affairs in the senate and the conduct of public accusers. In the hands of a mighty person, such as Jagouginsky, this office soon became first in importance. It was in effect called to render to the state the services which, in a country possessing representative institutions, are rendered by the assembly or assemblies of the estates.

It was natural that the higher bureaucracy, which had yielded to such subordination under a powerful and victorious emperor, was not inclined to show the same submissiveness when the throne was vacant. In the absence of any nominated heir, a vulgar woman of foreign birth, Catherine I., supposed to have been the legitimate wife of

the late czar, was called to exercise imperial power by some courtiers led by her lover, Prince Menschikoff, and supported by a crowd of officers and soldiers of the guard. A supreme privy council, composed of the higher dignitaries of the state, of whom Menschikoff was foremost, was at once installed. Russian historians have lately discussed the question whether this council was a sort of legal check on imperial autocracy. This fact cannot be said to have been completely settled, but there is no doubt that autocracy, under the short government of Catherine, had to yield to bureaucratic oligarchy, and for no other reason than the total incapacity of the new ruler to deal with public affairs. The rolls of the council report but once the presence of the empress at its session; she appeared the day it was opened only to invite its members to dinner. Whilst she was ruining her health by a course of living having nothing in common with that of a lady, and spending in night orgies the money accumulated with such difficulty by Peter the Great, the high officers of the crown, united in privy council, did their best to enrich themselves by appropriating large crown estates inhabited by families of peasants who, in this way, became private serfs. Menschikoff was the first to secure the spoils and thus succeeded in acquiring a patrimony bigger than the largest fief of England, France, Germany, or Spain.

High was the position occupied by the privy council during the short reign of Peter II., the son of the unfortunate Prince Alexis, executed by the order of his own father, Peter the Great, on account of a supposed conspiracy, and of his manifested dislike for the reforms introduced on European models. During this reign we have to deal, also, not so much with constitutional limitations as with the practical incapacity of the boy emperor to attend to public business, given up as he was to pleasures and love-making. The Golitzin and the Dolgorouki did their best to con-

centrate in the hands of their own families the exercise of supreme political power. The disgrace of the once all-powerful Menschikoff, who had to end his days as an obscure exile at Berczoo, a small place in Siberia, after having been treated as an equal by the ruling princes of the Holy Roman Empire, left the two families full liberty to conduct with success their ambitious designs, the scope of which was not only private enrichment with the spoil of crown lands, but also the elevation to the Russian throne of one of their own members, the beautiful Catherine Dolgorouki, promised in marriage to the emperor.

It is easy to understand what a blow to the unscrupulous intriguing of these great families was the sudden death of Peter II., occasioned by the different excesses to which he was driven. His death was for them a real calamity, the more so as an attempt made by Ivan Dolgorouki, the father of the bride, to proclaim his daughter empress, found no echo in the ranks either of the high nobility or of the officers of the guard. No testament containing such a nomination could be presented for the signature of the dying czar, too closely attended by a personal enemy of the Dolgoroukis, the German Osterman. The Russian throne was, therefore, once more vacant, and the legal descent of Peter the Great had come to an end; there remained, it is true, a princess of the czar's blood, Elizabeth, but she was a bastard, for there was nothing to prove a marriage between Peter the Great and Catherine. The same could be said of the duchess of Holstein, another daughter of Peter. Speaking of both princesses, Dimitry Golitzin employed the word *vibliadki*, which is a strong expression to designate illegitimate birth. There existed, it is true, a sort of testament supposed to have been written by Catherine I., on her deathbed, but nobody in the council raised a voice to protest against the affirmation of the same Dolgorouki, that a person of so low origin—he meant

the late empress—had no authority to dispose of the Russian crown. "Reports are current," continued the same speaker, whilst looking at the Dolgoroukis, "of the existence of another testament, but this one cannot be anything but a forgery." Nobody in the assembly dared to say the contrary. Under such conditions the heir was to be chosen from the surviving members of the house of Romanov—two daughters of the elder brother of Peter the Great, Ivan, an idiot, supposed to have ruled for a while side by side with the future reformer under guidance of the ambitious Princess Sophia, a sister to both. One of these daughters, the eldest, was the duchess of Mecklenburg. None of the members of the council took any notice of her, probably on account of her being married to a foreign prince still living. Such was not the case of the duchess of Courland, Anna Ivanovna, a widow. The fact that Jagouginsky, the once all-powerful procurator of the senate, had passed years in Mitau, ruling the principality in her name, accounts, to a certain extent, for the preference given to her by the members of the council. It was quite natural to expect on the part of a princess who had already to submit to the exigencies of the states of Courland, a recognition of some constitutional restrictions on her power. This supposition and the example of Sweden, which had already taken, in regard to Charles X., some measures to secure more freedom and self-government to the people, induced the Russian privy council to draw up a whole list of conditions, which the new empress must sign before getting her throne.

"We have to think how to make our situation easier," declared Dimitry Golitzin.

"What do you mean by that?" asked another member of the council, Golovkine.

"I mean that we must make sure of more liberty," was the reply. And so the conditions were put in writing and sent to the future empress at Mitau, who, too greatly

pleased to ascend the throne, offered no objection to signing them.

It may be interesting to know whence came the idea of such an innovation. Two writers, a Russian and a Swedish one, Professor Hierne, of Upsala, and Professor Korsakov, of the University of Kazan, agree that the example came from Sweden. The first of these two authors, having made a special study of the "conditions" signed by Anne, finds no difficulty in ascertaining their close relation to Swedish models. On the whole they contained what might have become with time the fruitful germ of a constitutional development of Russia, in case the ranks of the council should be enlarged, or rather a new chamber created below that of the higher nobility.

The famous conditions put the following obligations upon the new empress: She was to do her best for the extension of the orthodox creed; not to marry; to nominate no heir to the crown; to maintain a supreme council composed of eight persons, whose consent should be necessary to any declaration of war, conclusion of peace, or introduction of new taxes. The empress took the obligation not to nominate any one in the army to an office higher than that of colonel by her own will, without taking the advice of the council, and also not to condemn any one to death, or to the deprivation of honor and to the confiscation of goods, except with consent of the council. A previous decision of the latter was also required to make legal any kind of donation having crown lands for its object, or any appropriation of the state resources to cover the personal expenses of the empress. No Russian or foreigner could be appointed henceforth to an office at the court without the acquiescence of the council. All these conditions were to be maintained under the threat of losing the crown, in case of nonfulfillment.

It is plain that, limited as it was to eight members, the

privy council was in the way of becoming a sort of ruling oligarchy. It was quite natural, therefore, for the lower nobility to create a movement in order to receive from the crown some guarantees in favor of its own members. The ability of those who, like Jagouginsky, wanted the empress to hold authority without any restrictions, consisted in directing this movement against the demands of the privy council and in support of old autocracy. The whole comedy was played in the following way: A representative of the small nobility, Tatishtchev, prepared a counter-project in which he offered to enlarge the council, or rather, to create in its stead an assembly of a hundred members. Two hundred and forty-nine persons, chiefly officers of the guard, signed this petition, but the majority were not pleased with this unique alteration of the demands made, and so two other lists were circulated containing, the one seven hundred and forty-three, and the other eight hundred and forty signatures. Each was a direct attempt to put restrictions on autocracy, but not so much in favor of a small group of higher officers as in that of the whole body of Russian nobility. The project which united the greatest number of good wishers declared that the future empress could decide without control all questions except those relating to her own court, the revenues of which were fixed by law. The executive power was to be intrusted to a supreme council having the right to declare war, to conclude peace, to command the army, to control the finances, and to appoint all offices of state. Side by side with this establishment of a supreme council, we find in this document two other dispositions: a senate, composed of thirty-three persons, to consider all matters previous to their discussion in the supreme council; and two representative chambers, one of the nobility, containing two hundred members, and one of the third estate, composed of deputies nominated by the cities.

It is easy to see that the demands of the lower nobility did not at all favor the re-establishment of autocracy, and might be considered as an attempt to create a sort of representative government. They proved at the same time the great dislike which the lower nobility, as a whole, felt toward the higher officials, who, abusing the advantages accorded to them by office, wanted to create in the ranks of the nobility a sort of superior class, like that of the western aristocracy.

In order, now, to comprehend why these attempts had little chance of success, we must cast a rapid glance over the destinies of the Russian higher order from the time of Peter the Great. We have seen, in previous chapters, that the bulk of what is now considered to be Russian nobility has been formed by the so-called "men of service,"—persons who, on condition of getting remuneration in land, obliged themselves to go to war with a definite number of well-armed followers, larger or smaller, in proportion to the amount of tenure granted to them for the time of service. Beaten by Charles XII. in the battle of Narva, Peter attributed his defeat to the bad organization of this feudal army, whose members indeed were too busy with the managements of their landed interests to see in military service anything but a nuisance which they did their best to escape. The number of those who did not obey the summons was large enough to weaken the strength of the army. And those who appeared at the muster were entirely wanting in military discipline. In order to have a standing army like that of the Swedes, Peter made the following reforms: He declared that land given in former days in tenure for the term of service should become the hereditary property of those who enjoyed it, but the whole class of serving men had to be co[illegible] eforth as compelled to military ser[illegible] at fifteen years, to their d[illegible]

or by age from being of any use in the army were admitted to follow the civil service instead of the military. Everybody had to begin in the lower ranks of the army, and receive payment according to the position he held. All those who, by birthright, were considered the lifelong defenders of the country were declared to form one single estate, denominated, after the example of Poland, by the word *diachta*. This term, on account of its foreign origin, was soon replaced by that of *dvoriane*, a word which had been used in old Muscovy to denominate the lower grades of the nobility. Instead of being a sort of caste, closed to all new-comers, the Russian nobility became, from the time of Peter the Great, a kind of higher order, to which people of the lowest origin might have access through service, whilst in old Muscovy princely families and those whose fathers or grandfathers had occupied a prominent place in the *douma* or privy council kept the higher rank. From the time of Peter the same preference was to be accorded to the commissioned officers in the army; they had precedence over even princes and counts, a new title of honor granted by Russian czars from the time of the great reformer, as a rule to self-made men or favorites.

One can see, from what has been said, that the first estate in Russia was, as to its interior organization, more democratic than in most European countries. Contrary to the custom in England, all the members of a noble family were considered equally noble, and all the noble families on the same footing, with no difference in respect to the title they held, but only in respect to the rank they occupied in military or civil service. This equalizing tendency came into direct contradiction with the law of primogeniture, which Peter introduced in the last years of his reign, probably in order to maintain for the class he had called to service the material wealth necessary for the successful performance of that service. The democratic character which distinguishes

the Russian nobility soon made this law impracticable. Parents did their best to preserve the old custom of equal divisions. For this end they sold during their life a part of the estate in order to leave to the younger sons a capital equal to the value of the land inherited by the eldest. Sometimes, keeping strictly to the letter of the law, they left also all their movable goods, farming implements, cattle, and the grain to others, leaving to the legal heir the land. Whilst some families, living in close connection with the court, and inclined to follow the examples set by the higher aristocracy of Germany, had nothing to say against the law of primogeniture, the majority insisted on having it repealed. They introduced, therefore, this demand among the conditions which the new Empress Anne had to accept.

The short sketch just given enables us to explain the origin of the divisions which existed in the ranks of the higher order of Russia at the very moment when the question of constitutional restrictions was brought forward for the first time. The traditions of the once powerful *boiars* were revived by the small number of families who, during the last reigns, had been placed at the head of public affairs and were imbued with the political ideals of Sweden. The rest of the nobility, and chiefly those who served in the ranks of the guard, feeling themselves hurt by the pretensions of this newly formed oligarchy, wanted to enlarge the base of future representative institutions. Neither of the two parties was in favor of the maintenance of pure autocracy. The malice of those who conspired with the empress in favor of absolutism showed itself in bringing the parties into violent opposition. The pretensions of the lower nobility were flattered by vague promises of carrying out, later on, the reforms they advocated, but only on condition of having their present support against the pretended plot of the higher nobles. How deeply rooted was this sort of

policy may be judged by reading some letters written at this period by persons whose official duties kept them at a distance from St. Petersburg, but who, with the utmost interest, followed the course of events taking place in the capital. Among them we find Volinsky, a man who, years later, became chief of the national party, directed against German intruders. Employed at this time in Kazan, he expresses the views of the lower nobility as to the oligarchical aspirations of the privy councilors in the following sentence of his letter to Soltikoff: "God preserve us from having, instead of one autocrat, ten as powerful families; in such a case we simple nobles are sure to be undone, for we shall be obliged to bow and to prostrate ourselves even more than we do now."

The small nobles, being of this mind, were therefore easily induced by some intriguers, such as the celebrated poet, Kantemir, or the officer of the guard, Tcherkaski, to manifest their feelings as to the obligatory character of the conditions signed by the empress. When the officers of the guard dared to present their own plan of reforms, and even to have them read in presence of the empress, an exchange of recriminations ensued. The privy councilor, Golitzin, asked from whom they had received the right of legislating, and Tcherkaski answered, "From you yourself, who have induced her majesty to think that the conditions she has signed contain the expression of our general wishes." On the demand of the duchess of Mecklenburg, the sister of the empress, who was in the plot, Anne gave her signature to the petition of the officers and authorized them to return to the palace the same day in order to present the result of their further deliberations. This stratagem permitted the occupation of the palace by a crowd of military attendants, who, duly prepared, began to cry out that they would not suffer rebels to command her majesty. "Say a word and we will throw their heads at your feet."

Anne ordered them to obey only Soltikoff, a high officer who was in the plot. The same day the privy councilors were invited to dine at her majesty's table; from the dining-room they had to hear the loud voices of the nobles deliberating on the demands they had to present to the empress, and manifesting their good feeling to the latter by their proposal to cut to pieces those who would not recognize her as an autocrat. In face of a hostile multitude, the members of the council thought it of no use to resist any longer. "You have abused me!" exclaimed the empress, whilst addressing the head of the Golitzins. He uttered no answer. Anne ordered the famous conditions, already signed, to be brought to her, whereupon she tore them to bits. A few months later, the execution of two members of the family of Dolgorouki, and the sending into exile of the others, together with the removing of the Golitzins to their remote estates, put an end to this premature effort to construct Russian supreme power on the basis of representative institutions.

It is difficult to find in the history of the eighteenth century—one might say in the whole of modern history—a period more disgraceful, more contrary to the feelings of personal and national dignity, than the one which began in Russia from the moment when the Empress Anne tore in pieces the famous conditions or restrictions that had been imposed upon her by a number of high officials. Russia is supposed to have been ruled during this period by a sort of triumvirate, in which the minister of foreign affairs, Chancellor Osterman, was the chief director. But in fact the whole empire had to bow before a mere adventurer of foreign birth, who knew neither the country he had to rule, nor the language of those who had to obey his commands. The sole cause of his establishment in this high position was the sympathy which he had inspired in the empress years before her accession to the throne, at a

moment when, wanting direction and advice in the administration of Courland, she thought she had found both in the person of a kind of German *junker*, called Bühren. He had received some education at the University of Koenigsberg, but could not succeed in getting a degree, because of his bad morals and his pronounced inclination to disturb the peace, and the appropriation of the goods of his neighbors. It need not be said that the family of this adventurer had nothing in common with the French Birons. For only by pure impudence was it that after having been decorated by the empress with the star of St. Andrew, and adorned by Charles VI. of Austria, at the special request of Anne, with the title of "His Grace," Bühren dared to call himself "Biron." The chief of the ducal family of that name in France, instead of protesting, was pleased to declare to those surrounding him that the usurper could not find a better name in Europe. And so this adventurer comes to posterity with a stolen name, and the most disgraceful period of Russian history is still described as that of Bironovschina, or that of Biron. According to a letter, still preserved in the archives of Dresden, and dated the 30th of December, 1738, the empress, suffering from gout and scurvy, cared for nothing but her own pleasures. As to government, it was in the hands of her favorite, graced by his empress with the title of duke of Courland. Bühren, it is true, often consulted Osterman, but, mistrusting him, he followed Osterman's advice only when it had been approved by a Jew under his own orders, a certain Lipmann. So that on the whole this Jew may be considered to have been the actual ruler of Russia. It is in this way that the sway of foreigners was introduced into the empire, and the basis laid for that hatred of the German which is still alive in Russia, but which means something quite different from any mere race animosity.

The fact is that Bühren was not the last German adven-

turer of whom Russians had to complain, and who dared to address them in a foreign language, saying, "You Russians." In a period nearer to our own, during the reign of that idol of the Nationalists, Nicholas I., no less a person than the hero of the Caucasus, Ermolov, found reason to give the following answer to the demand of the emperor: "What reward dost thou want for thy service?" "Your Majesty, make me a German!" What the Russian cannot endure is the arrogance of those small nobles, born in the Baltic provinces, who, directly or indirectly, favored by the German princesses at the Russian court, succeed in occupying high positions, not only in the army and navy, but also in the civil service, and even on the benches of the Russian Academy of Sciences, where German is spoken almost as much as Russian, and was still more so a quarter of a century ago.

Recent historians, however, have tried, not so much to exculpate Bühren of all the atrocities that were committed under his rule, as to distribute more fairly the responsibility for them upon him, the Empress Anne, and the head of the Russian clergy, the celebrated Theofan Prokopovich. The last, who, from the time of Peter I. and Catherine, had been held at a distance by his numerous rivals, now took his revenge by persecuting all those who had opposed him. On the other hand, cruelty, manifesting itself even in the pleasures she enjoyed most, seems to have been one of the dominant features in the character of her majesty. For instance, in order to solemnize the marriage of an authentic Russian prince, who had dared to turn Catholic, with a woman who was a professional fool, the empress ordered built an ice palace, and commanded that their nuptial night be spent upon a bed of ice. The unhappy pair were almost frozen to death. A friend of the author, Mr. Jakobi, a member of the Academy of Fine Arts at St. Petersburg, has painted a picture which shows re-

markably well the folly and cruelty in the character of the empress. The picture is called "The Fools." In it one sees the heads of the Russian nobility vying with each other to amuse the empress by their ridiculous postures and costumes, while Anne lends her ear to the political report which the chief of the secret police gives in a whisper as to the torments which supposed conspirators have to undergo. The favorite, Bühren, is casting an arrogant look on this disgusting scene, but his future victim, Volinsky, a genuine Russian patriot, stands sadly by, evidently ashamed of his countrymen.

To confirm this general condemnation of the reign of Anne—a reign that should rank side by side with that of John the Terrible—let us glance at a few statistics. According to two contemporaries, the author of German memoirs, Mardefeld, and the French ambassador, La Chétardie, the number of persons condemned to death during this period of only ten years was from five to seven thousand, while thirty thousand persons were exiled to Siberia. Furthermore, in a single year, or rather, in five months, from the 1st of August, 1730, to the 1st of January, 1731, the proceedings of the so-called *sysknoi prikasi*, a kind of star chamber, show that 425 men were put to torture, eleven executed, fifty-seven sent to Siberia, and forty-four enrolled in the army as common soldiers. Under such conditions it is easy to understand why Anne, on her death-bed, had no thought except to encourage her trembling favorite with the words, "Don't fear anybody; don't fear!"

The government that was installed in Russia after the death of Anne was something very remote from the idea of legitimacy. A boy, the son of a German princess called Anna Leopoldrovna, a niece of the empress, married to a German prince of the house of Brunswick, was declared emperor, but all real power lay in the hands of the regent,

almighty Bühren. On her death-bed Anne had elevated him to this post. Fortunately enough, however, the German rulers of Russia could not agree with one another, especially on the question of the spoils. The duke of Brunswick, thinking he had not power enough in the new government, soon found an ally in the person of the field-marshal, another German, called Münich. With a few soldiers the latter one night arrested Bühren, who thought himself too strong to become the object of a military plot. With all his family he was sent to Siberia after six months' imprisonment and a formal condemnation to death for having insisted before the deceased empress on his nomination to the post of regent. The place of Bühren's exile was distant more than three thousand miles from St. Petersburg, and known as Pelym. Loosed from the fear of Bühren, the Grand Duchess Anne, mother of the emperor, gave her whole attention to the choosing of another lover. He was of Flemish origin, an ambassador from the king of Saxony, and named Count of Lina. This new favorite began at once to dream of a position not inferior to that held by Bühren. The field-marshal, Münich, alone stood in his way; so he did his best to create in the heart of his mistress bad feelings toward the new ruler. Nobody was more pleased by this intrigue than Osterman, the chancellor, a third German, who could not live in peace with the field-marshal since he was more in favor of an alliance with Austria than with Prussia, for which Münich had already declared himself. To begin with, Münich had to resign his office and settle in a remote quarter of Petersburg, the Vassili Ostrov. But he was not long to remain there.

For another change of government, this time in favor of the bastard daughter of Peter, Elizabeth, threw all things once more into confusion and altered the situation of the chief contenders for power. Just as in the worst days of the Roman empire, officers and soldiers of the imperial

guard began to dispose of the crown by way of palace revolutions, the only sort of violent alteration of the course of political events which is known to have been successful in Russia. To speak of the influence of France or Sweden in this kind of *coup d'état*, which brought the daughter of Peter to the exercise of supreme power, is equivalent to a misrepresentation of history. Both governments did their best to encourage the plot fomented by the party of the grand duchess, but both were equally anxious not to compromise themselves in case of ill-success. When everything happened according to their desire, and the pretender, after many kisses given to the boy czar, suddenly awakened him during the night and secured him as a sort of prisoner, the French ambassador, La Chétardie, knew how to take advantage of the change in Russian interior policy. The poor little boy emperor, Ivan Antonivich, spent the long years of the next reign in detention and exile, and in the year following the accession of another adventuress, Catherine II., while doubtless thinking of freedom, he was murdered. Perhaps this cruel deed was not personally directed by the humane friend of Voltaire and Diderot, but at all events, the man who perpetrated it, in the fortress of Schlüsselburg, Feodore Mirowitch, pretended to have received orders to prevent by manslaughter any attempt to liberate the imprisoned ruler of the empire. Before ending this sad story of adventurers who intrigued for the throne of Peter, by court and army plots, one needs recall a military revolt directed by officers of the same regiment of Préobrezensky which had already conspired in favor of Elizabeth, and which, in 1762, rendered the same service to the legitimate wife of Peter III. One of these officers, Alexis Orloff, supposed to be on the best terms with Catherine II., was bold enough to secure her the throne by killing the emperor. And later, when Paul I., in spite of the intrigues of his mother, who wished to leave the imperial power to

her grandson, Alexander, ascended the throne and tried to insure its peaceful succession by a law, still valid, which excludes women from the legal heirship, it was by a new court plot, which his two eldest sons were quite aware of, that the more or less mad autocrat lost both power and life.

What really deserves to be noticed in all these events is that they left the common people, or rather all classes, with the exception of some courtiers and guard officers, perfectly indifferent. They cheered Elizabeth—the "Little Mother," as they called her—admiring her supposed humanity, which manifested itself in the determination to abolish capital punishment, but which did not prevent her from maintaining and even developing the system of private accusers and of inquisitorial proceedings admitting of torture. They praised the wisdom and kind heart of Peter III., and wanted to erect a silver statue to him in remembrance of his having liberated the nobility from the obligation of lifelong service to the state. They found no praise sufficient to celebrate the clever administration of Catherine II., whom poets compared to the greatest rulers known in history. And even Paul I., at least in the first years of his reign, was looked upon as a reformer who wished to put an end to the mismanagement which had crept into public affairs during the last years of the aged empress.

This indifference of the Russian people in presence of court intrigues, ending very often in a violent change of emperors and chief officers, seems almost incomprehensible, when we think that the same people, both in foregoing periods and in that which succeeded, were very far from witnessing quietly the wrongs done them by the government. The Russians have proved in fact on many an occasion that they will not tolerate measures directly affecting their religious belief or personal independence and sense of justice. For in "the period of troubles" they rose, as we have seen, in defense of orthodoxy and political self-con-

trol, sacrificing life and goods to be rid of a Polish king and a Catholic creed. Years later, the Cossacks exterminated Polish landlords, Jewish farmers, and Catholic and Unionist clergymen, solely for the sake of freeing Little Russia from the grip of Rome and Warsaw.

But while accepting the supremacy of an orthodox ruler, such as the czar of Muscovy, the Little Russians did their best to preserve their autonomy and the authority of self-elected military and civil officers. When the Czar Alexis, not wishing to leave in the hands of Cossacks such strongholds as Kiev, transmitted both the occupation of fortresses and the collection of dues for the garrison's entertainment to Muscovite *boiars*, appointed by himself, the Cossacks of the Dnieper declared, through the mouth of their chosen *hetman*, Jury Chmelnizky, that the first condition of insuring their allegiance was the recall of the *boiars*. And it was against these very *boiars* and the kind of justice they administered, that on the Don, the Volga, and the Jaik millions of people rose at the call of another Cossack leader, Stenka Razin. From the moment, however, when, thanks to the reform of Nikon and his servile aping of the Byzantine church, the people of the Muscovite state had been split into two almost equal parts, the conformists and the so-called Raskolniki, or non-conformists, the spirit of independence manifested itself in the latter body's unceasing opposition to priests and religious ceremonies not in accordance with traditional usage.

The following will illustrate sufficiently this general rebellion of the people against oppression. Among the thirty or forty thousand persons sent to Siberia in the reign of Anne, the greater number were of these non-conformists. Again, during the whole reign of Elizabeth, in answer to the measures taken to secure for newly created manufactories the unpaid work of bondmen, the Russian peasants rebelled in numbers sometimes exceeding fifty thousand,

so that military force alone could reduce them to obedience. And some generations later, Catherine, in order to create a solid base for the local self-government of the nobility, strengthened and extended the system which made bondmen, or serfs, of the once free inhabitants of the eastern provinces as well as of Little and New Russia. Millions of people, thereupon, under a common Cossack, Pugachev, manifested their desire to be rid of the whole official machinery, and to recover with personal independence the full possession of the ground so lavishly given over by the empress and her direct predecessors to political adventurers and favorites.

We must admit, nevertheless, that, with the exception of sporadic outbursts, the Russian subject, as a rule, remained what he really is supposed to be in law, not so much a citizen as a taxpayer. Split into two unequal parts, a minority of nobles bound to serve in the army and in civil appointments, and free, therefore, from all further contributions, and a majority of the so-called "dishonest" classes—*potli liudi*—condemned as such to maintain the whole civil and military machinery of the state from their purses, the Russian people continued generation after generation to support a system from which they were the last to profit. How can one explain such an abnormal fact? And the more abnormal since, in the nature of the institutions themselves, one finds nothing similar to those other institutions which, even at the period of the fall of Byzance, continued to uphold the unity of the Roman empire. Russian historians speak of patriotism and legitimatism as the chief characteristics of the Russian people. But patriotism, according to one of them, Karamsin, rightly means an affection for the institutions of the country. As has been shown, however, from the time of Peter there were no essentially Russian institutions, the ones in existence being of Swedish, German, or French origin. And when one recalls that a

child of German birth, a mistress, and later a bastard of the great Peter sat on the throne, one feels that Russians are scarcely authorized to say that legitimatism is a characteristic of their countrymen. The fact is that Russian unity and interior peace were maintained chiefly by force of a military despotism.

No military despotism can be lasting, however, unless it finds in one or several classes of the people self-interested allies. It was in a clear understanding of this truth that the so-called greatness of Catherine II. consisted: she succeeded in making of the Russian nobility the pillar of her autocracy. Her predecessors, Anne and Elizabeth, thought on the other hand, only to revive the institutions of the great reformer. Thus, whilst abolishing the supreme council, Anne spoke of re-establishing the senate in its previous force. This, of course, was but a promise, for the empress ruled in fact with her German favorite and a kind of cabinet council, of which the cunning Osterman was the soul. Elizabeth was, however, still more inclined to restore the institutions of Peter. She gave up the exercise of the high administrative functions to the senate, submitted to that assembly the different official boards, and restored the powerful office of procurator general, the real first minister or home secretary, called according to the characteristic expression of Peter, the "all-seeing eye of the czar."

But how little all these reforms contributed to implant bureaucracy in Russian soil may be seen from the following facts: According to the personal testimony of Catherine II., she found at her accession to the throne several thousand suits not yet discussed by the senate, and in the board of justice alone undecided legal actions to the number of six thousand, many of them begun as far back as 1712. According, also, to the report of the empress, the subordinate officers attached

so little importance to the orders of the senate that these orders had to be repeated, twice or three times, before getting a hearing. On the other hand, the only result of the re-introduction of the system of hierarchical spies, known as procurators and fiscals, had been to create the means of a criminal's escaping prosecution by denouncing others. The story of a notorious thief, Little John Cain, deserves mention on this account. The moment he was in danger of being arrested for his crimes, he would shout the sacramental formula, "Word and deed," thus passing suddenly on several occasions from the rôle of an accused to that of an accuser. Many persons had been thrown into prison and put to torture on the strength of his accusations, whilst he himself escaped all punishment. What the newly created bureaucracy did inherit, however, from the old Muscovite rule, was the well-known idea that extortion from the people was a natural way of making a living from a public office. Those who chose the civil career no longer, it is true, addressed their application for appointment in the traditional formula, "Make me a *voivode* in order that I may nourish myself," but they bribed the parties and extorted money and gifts in kind with the simple promise to occupy themselves at once with the demands that were made to them. Is it necessary to say that these promises usually remained unfulfilled, and that the old Russian term, *volokita*, the art of postponing suits, did not lose meaning under the new empire, supposed, by its great reformer, to be remodeled after the European fashion? From this kind of misgovernment, all classes of the population suffered greatly, as may be seen from the demands addressed to Catherine II. by the deputies assembled in 1767, in order to reform the whole legislation of Russia. Some of them went so far as to ask capital punishment for persons found guilty of bribery.

The juxtaposition of all these facts makes it evident

that as early as the second part of the eighteenth century, bureaucracy had become a failure. But by whom, then, was Russia to be ruled if not by the members of these innumerable superior and inferior boards who had passed patiently from lower to higher grades (*tchins*) in the administrative machinery, in full conformity with the famous table of ranks copied from German models by Peter? The only other class of people who might take on their shoulders the heavy task of administering justice and police was bound to life-long service in the army and navy. Of course the first step toward self-government was the enfranchisement of this class from the obligation of service, at first partial, and then complete. The first had been already achieved under Anne, when a service extending to twenty-five years was considered to be sufficiently long, and families consisting of several sons were authorized to keep at least one of them at home in order to manage the property they possessed. A further progress was made under Peter III., who in 1762 liberated the nobility from the obligation of passing their lives in the army or in civil offices. In this way was created the material out of which Catherine II. could construct the new and thoroughly aristocratic building of local self-government, which at least had the advantage of insuring to Russian aristocracy the interested support of a class called to share with it the burden and the profits of power. This fact by itself determined a whole series of consequences. In order to give itself up entirely to the fulfillment of administrative duties, the Russian nobility required to have its economical interest secured by the extension of the system of serfdom and the creation in its favor of a monopoly which consisted in the exclusive right of possessing and acquiring inhabited estates, that is, lands occupied by peasants. But whilst sacrificing in this way the interests of the commonalty to those of the higher order, the government prevented the same from becoming


RUSSIA
To illustate its territorial acquisitions from 1500-1800.
SCALE OF MILES
0 100 200 300 400
ARCTIC OCEAN
Novnia Zemlia
Yalmal
Obdorak
KINGDOM OF NORWAY
KINGDOM OF SWEDEN
Lapland
Arctic Circle
Kola
Kanin
White Sea
Petschora
Finland
Gulf of Bothnia
Baltic Sea
GREATER RUSSIA
Dwina
Little Perm 1471
Great Perm
KHANATE OF SIBERIA
G. of Finland
Vologda
Vologda
Viatka
Novgorod 1478
Pskov 1510
Riga
Livland
Samogitia
Polotsk 1772
Vitebsk
Smolensk 1530-32
Tver 1485
Jaroslav 1463
Rostow 1464
Kostroma
Nijni Novgorod
Moscow
Kazan 1552
1438
KHANATE OF KAZAN
Riasan 1517
Kaluga
Orel
Starodub 1618 (1667)
Danzig
W. Prussia
Warsaw
1795
1793
LITHUANIA
KINGDOM OF POLAND
Cracow
Volhynia 1793
Kiev 1667
Podolia
Dniester R.
Dnieper R.
Don R.
Volga R.
Ural R.
Ural
Cossacks
KHANATE OF THE CRIMEA
Don Cossacks 1571
KINGDOM OF HUNGARY
Moldavia
Khorittsa 1654
1792
1774
1783
1812
Bessarabia
Walachia
Danube
S. of Azov
Kertch
KHANATE OF ASTRAKHAN
Astrakhan 1554
Caspian Sea
TURKISH EMPIRE
Black Sea
Constantinople
30 Longitude East from Greenwich 40
50
MANZ-Chicago

what it had been in other countries, and more particularly in England, the forerunner of the movement for political emancipation. By securing on a large scale its economical wealth to the detriment of the people, the Russian nobility lost the chance of being supported in its demands for personal liberty and control of public affairs.

CHAPTER V

THE REFORMS OF CATHERINE II.

The reign of Catherine II. may be considered, at least to a certain extent, as the beginning of a new era in the development of Russian political institutions. Until the day of the emancipation of the serfs, under Alexander II., a reform which was closely followed by the introduction of the principle of local self-government, to which all classes of society were called to give their cordial support, Russia lived more or less with the ideals pursued and partly attained by the great empress. Now these ideals were as little the result of personal research as those once applied by Peter. They had, like Peter's, a foreign source. But this time it was not so much in the existing institutions of Sweden, France, and Germany, as in political theories first elaborated in England and afterward made popular by French writers, and more especially by Montesquieu, that Catherine found the source from which to draw the chief principles of her reform. Plainly she acknowledged, in her letters to Grim, how much she had borrowed from the *Ésprit des lois* the leading points for that kind of written instruction which she prepared for the representative assembly called to assist her in the task of remodeling the whole legislation of the empire.

And indeed, while perusing the different chapters of this extraordinary work—more like a juridical cyclopædia than a practical code of law—one is puzzled by the number of passages borrowed from the famous book which had such a peculiar destiny all over Europe and America. Monte-

squieu, of course, is not the only writer put to contribution by Catherine; the well-known Italian, Beccaria, was also "pillaged," according to an expression used by the empress herself. It dare not be said, moreover, that Catherine followed her chief instructor, Montesquieu, in all the theories he tried to develop. Her book may even be considered as a masterpiece in interpreting an author in a way contrary to almost all his expressed beliefs. It is well known that Montesquieu, writing under an impression of the great harm done to the people of the continent by the recent conquests of absolutism, tried to oppose the general current which forced the different orders of France to resign the political rights they had possessed for centuries into the hands of the king and his ministers. For this purpose he recommended the institutions of England, as the only country in which, thanks to the division of powers, as he believed, the nobility and the common people had maintained a certain control over public affairs. It need scarcely be said, of course, that Catherine felt no desire to give up any part of her imperial authority, either to estates or to individuals. Although she insisted very much on the advantages of the division of powers, she understood it only in this sense: that those who are called to judge ought not to be at the same time administrators or law-givers. Of the whole theory of representation not a single word is said by the empress. She eliminates the question by borrowing from the same book of Montesquieu this other principle, that in a large state, autocracy is natural. In this way her book shows the tendency to borrow foreign ideas and institutions only as far as they do not interfere with the existing form of government, a tendency which we have already seen in the different projects of reform presented to Peter and recommending the introduction of such and such foreign customs or laws not opposed to autocracy.

Another proof of the great cleverness of the empress is shown in her expressing openly her desire to postpone all effectual legislative work to the moment when the real wants of the people should be manifested by personal declarations, made in their name by the deputies of different classes. In later days, when speaking of the results achieved by the convocation of these deputies, the empress was in the habit of saying, that before that time she was in the dark as to the real state of things and the ways and means by which she might improve it. There can be no doubt, of course, that the information she got in this way could have been exhaustive only in case the appeal had been addressed to those classes who already were considered to have lost their freedom. And such as it was, the so-called legal commission of 1767 contained but a small number of peasant representatives, all from the northern provinces, where serfdom was almost unknown.

Another trait of the empress that must be taken into account when analyzing the assembly summoned by Catherine, was her religious indifference, acquired in her study of the writings of Voltaire. This indifference had been disclosed in Catherine's open warfare against the desire of the religious orders to be proprietors in land. This also accounts for the fact that among the persons called to attend the meeting, the clergy was represented solely by the delegate of the synod or the high ecclesiastical commission of Russia. Thus the nobility, and on a smaller scale, the merchants and the members of craft guilds, became the chief advisers as well as the chief debaters in an assembly supposed to be the exact portraiture of the different orders of the empire. In the make-up of the assembly the nobility was in the majority, for the reason that the high administrative bodies, such as the senate, were also called to send delegates. They did this by nominating some of their own members, who necessarily were nobles. No

wonder, therefore, that the interests of the nobility were better represented in the legal commission of 1767 than those of any other class of Russian society. For this reason the burning question of serfdom—a question already debated in the Society of Economists founded by Catherine in Petersburg—was lightly touched on by the deputies of the provinces, whilst the legal advantages which the nobility were to enjoy were discussed at greater length, to the profit of the higher order. Catherine seems to have been much impressed by the well-known dictum of Montesquieu, "Nobility is the natural support of monarchy," for she insists on this point in her printed advice to the delegates, and it is quite likely that the same principles were in her mind, when later, in 1777 and in 1785, she laid the foundation stone of aristocratic self-government, both for province and for district.

Another reason beside those mentioned prevented the empress from giving due attention to the harm serfdom had worked the state. We have already seen that in the reigns preceding her own local risings of bondmen were very frequent. It was, therefore, not safe to make the question of abolishing serfdom a matter of public debate. In her correspondence with Grim, Catherine recognizes that she has been compelled to omit a good part of her written instruction, and precisely that part in which she treated the question of what legal restrictions should be put upon the power of serf-owners. And for the same reason she left unnoticed, in later years, the paper in favor of the emancipation of the Russian bondmen, which Diderot had the merit to present to her. And in the last period of her reign, signalized by the rising of Pougachev, she went so far, in endeavoring to suppress all discussion of this dangerous question, as to condemn to death a Russian writer, Radischev, because in his account of a journey from Petersburg to Moscow he gave a fair description of the intolerable

condition of the serfs. The sentence was not carried out, for instead of being put to death Radischev was exiled to Siberia, whence he came back to Petersburg only in the reign of Alexander I.

The meeting of the legislative commission called by Catherine may be considered the starting point in the reform of Russian provincial administration. Thanks to its composition, the nobles were in a majority. Naturally, they took advantage of this fact to develop, at great length, their views as to the economical and political privileges to be granted to their class. And these views were far from being ingenuous; they had no likeness whatever to a revival of those old political pretensions of the *boiars* to rule the country as members of the czar's *douma*, or council. The nobles in the time of Catherine II. did not insist on the reinstallation of the long-established practice according to which the affairs of the country were to be "decided by the order of the czar and the judgment of the *boiars*." Prince Scherbatov, the chief speaker of the nobility in the ranks of the legal commission, insisted not so much on the power as on the honor and the interests of the nobility. And while doing so he but followed closely the current opinion of European political writers of the seventeenth and eighteenth centuries as to the intimate relations which ought to exist between the throne and the landed aristocracy. He accordingly contended against this reduction of the higher order to that of men of service *par excellence*, which from the time of Peter had been the distinctive characteristic of the Russian nobility. For this same reason Scherbatov did not wish to admit that the class of nobles might be increased at any moment by the introduction of new-comers who should have attained a certain rank in the official hierarchy. But these ideas of Scherbatov were opposed to the whole past of the Russian upper order, which both in old Muscovy and in the reformed empire of Peter had

been and still remained a class open to all those who had distinguished themselves in the service of the state. No wonder, therefore, that even among his colleagues Scherbatov found serious critics. A deputy from Little Russia, one Motonis, opposed to these ideas, so like those of Mirabeau the Elder in France, the thoroughly Russian idea that nobility is merely a sort of distinction, conferred upon merit by the chief holder of political power. And in further opposition to Scherbatov, who wished the nobles, in Russia at least, to be the direct descendants of the founders of the state, and of its heroes, Motonis declared that in origin the nobles had been mere laborers or artisans, so that, at present, as well as centuries ago, all citizens were alike able to gain, through service, the right to belong to the higher order.

The debates of the assembly had, however, something more than a mere theoretical importance. For the origin of the distinctions between personal and hereditary nobility, introduced by Catherine II. in the celebrated charter of 1785, which settled the question as to the rights and obligations of the higher order in Russia, may be traced to them. And these distinctions are still maintained, and deserve, therefore, to be spoken of at greater length. According to the charter of 1785, the mere fact of having held a public office, military or civil, below a certain rank, or *tchin*, did not give the holder the right to transmit the title of noble to his descendants. Later on, however, the rank, in the official hierarchy which could confer the patent of hereditary nobility, had been raised higher and higher, until in our days, in order to pass on to one's descendants the patent of a self-acquired nobility, a person must win either the grade of general of the army or that of an "actual councilor of state." The cross of St. Vladimir also confers on its owner the same advantages, but only in case the body of the nobility of such and such a province will give

its consent to the inscribing of the newly made noble in its lists. This condition of admission is far from being merely a theoretical one. For from the day when anti-Semitism gained ground in Russia, the provincial nobility has more than once refused to admit within its ranks certain nominees of Hebrew birth, so that the government has had to interfere and insist on the admission of its candidate by the local assembly of the province in which he dwelt.

But to return to the work done by the legal commission of 1767. Its members manifested no desire to establish further distinctions among the nobles, whether they were titled or not. And this principle of equality was also recognized by the charter which the empress granted to the nobles, at least in the sense that all families belonging to the higher order were, and still are, called to the enjoyment of equal rights and to the holding of offices, both in the general administration and in the class self-government of the province. We shall now look at those institutions in which the nobles were admitted to hold a prominent, and sometimes an exclusive, position.

At the very time when the legal commission was convoked, Catherine had called into existence the district assemblies of the nobles and the so-called marshal of the nobility. Both were asked to proceed to the nomination of delegates to the meeting. The charter of 1785 had created also the assemblies of all the nobles of the province, and placed at the head of such a meeting an elected officer, the marshal of the nobility of the whole province. And in doing this, Catherine certainly was influenced by the demands addressed to her by the deputies of the legal commission of 1767. Some of them, indeed, had declared that a body of nobles should exist permanently in each district, and that this body should hold every second year a regular session for the discussion of all questions of interest to their order. The nobility of Moscow went so far as to demand

the nomination, by the nobles of that district, of commissioners for the judging of all disputes rising among nobles. Delegates from some other districts insisted even on the creation of an elective tribunal, chiefly composed of noblemen, which should decide all suits, both civil and criminal, not only among persons of the higher order, but also of the commonalty. The guardianship of nobles was likewise to be intrusted to an elective body placed under the direction of the district marshal, according to the demands of the nobles of Moscow, Kostroma, and some other places. Besides the district assemblies, the delegates of Yaroslav demanded meetings to which, periodically, all the nobles of the province should be convoked. Such meetings were to have the right of entering into correspondence with the senate through a nominee, who had to present to this high assembly a list of all infractions of the law committed within the limits of the province. Some delegates even thought it would be well to endow the provincial assemblies of the nobility with the right of choosing the highest officers of the province, the *voivodes*. It need not be said that this last demand remained unheard; the empress preferred to keep in her own hands the right of appointment to the places of the so-called lieutenants of provinces, known in later days under the name of governors. But with this very important exception it does not appear in what the requirements of the nobles differed from the later prescriptions of the law, which provided for both district and provincial assemblies of the nobles, with the right of nominating not only their marshals, district and provincial, but also members of the local courts and police officers.

Without entering into details, it may be said that in its outlines the self-government of the province and of the district in the time of Catherine II. had acquired the aristocratic character proper to it in the time of Alexander I. and Nicholas I. Only in the short reign of Paul I. is to be

found a backward movement inspired by a fear of creating in the provincial marshals and in the provincial assemblies a power dangerous to the imperial autocracy. Accordingly, the law of 1799 prohibited the assembling of the nobles otherwise than in district meetings. The marshals of the provinces were to be nominated from among the number of the district marshals. But as soon as Alexander I. ascended the throne, a new charter was granted to the nobles, which contained a complete reproduction of that of 1785. And from this time on, the legislation regarding the aristocratic local self-government was developed by a manifesto or proclamation of Nicholas I., in the year 1831. According to this document, the assemblies of the nobles were to consist only of persons belonging to the hereditary nobility; and those amongst them who were twenty-one years old and who possessed at least the lowest rank in the administrative hierarchy were alone empowered to vote; the right of electing officers, however, belonged exclusively to those who, besides the enfranchisement named, possessed at least a hundred male serfs or three thousand *desiatins*—equal to six thousand acres. Only colonels or civil officers enjoying the title of "excellency" were allowed to have a vote, and to take part in the elections, even though they possessed only five male serfs and a hundred *desiatins* of land. As to the rest of the hereditary nobles who had no more than five serfs, and a hundred and fifty *desiatins*, they could only take part in the nomination of a delegate empowered to vote and to elect in their name. And to this end they were obliged to assemble in groups large enough to answer the demands of the law as to the minimum of serfs and acres required for the full enjoyment of the franchise.

In order to retain a control over the dealings of the aristocratic self-government of the province, the assemblies and the marshals were placed under the supervision of the

governors. During the whole reign of Nicholas I., the assemblies of the nobles could not be convoked without the permission of the governor of the province. They had to execute all the legal demands of the latter, and in case of disturbances, might be dismissed at any time by the same governor, whose written order was equally necessary to close in a regular way every one of their meetings, district or provincial. We must take into account this intimate dependence of the assemblies of the nobles on appointed officers of the crown, such as provincial governors, in order to understand the reason why the higher strata of Russian aristocracy withdrew themselves as a rule from the performance of the innumerable duties incumbent on a marshal of the nobility. The author is old enough to remember the way in which the institutions under consideration were carried on at a period preceding the remodeling of local self-government by Alexander II. With the exception of the two capitals, where the vicinity of the court exercised its attractive power, the princely families seldom consented to apply themselves entirely to the management of local affairs. As a rule, they were pleased to preside every third year over the assembly of their order; in the interval they intrusted all the trouble of active administration to some smaller noble occupying the office of district marshal in the chief city of the province. The law admitted of such a practice, and the result was that the heads of the aristocratic society, whom fortune and close connection with the governors of the day placed above local intrigues, had not the power of preventing them from being successful. Everything was really settled, not so much even by the district marshals, as by their secretaries, and thus bureaucracy reappeared under the veil of a self-elected magistracy. The police officers and the judges, whose nomination was confided to local assemblies of the nobility, were far from receiving the amount of remuneration which might

tempt a learned lawyer to give himself up to the exercise of such offices. As a rule, small landed proprietors, not possessed of the necessary preparation, and unable, therefore, to get a better appointment, were striving and intriguing in order to create for themselves, by the nomination to such offices, a means of living. Their endeavors were successful only on the condition of their supporting by their own votes the ambition of some wealthier nobleman presenting himself as a candidate for the post of district marshal. In this way the connection of clients and patrons was formed, and local self-government became the arena of continual strife between groups which were not so much parties as family coteries.

On the other hand, all the disadvantages of class government appeared in the fact that the elective officers, depending as such on the votes of the local nobles, were at the same time permitted by law to regulate their behavior toward the serfs living on their estates. In such conditions the grossest abuses of manorial power remained unpunished, and cases in which peasants, tyrannized over by their owners, had recourse to terrorism, became more and more numerous. Although Catherine II. expressed the opinion that under a good serf-owner nobody was more fortunate than a Russian peasant, better-informed persons, like Radischev, could, without fear of being contradicted, tell stories like the following: A man of very low birth, having filled during many years the office of a court domestic, and being raised later on to the rank of a collegiate assessor, became accordingly a member of the higher order; he settled on a bought estate and treated his peasants like beasts. Previously they had had to pay only customary duties; now they were ordered to perform boon-works, and that during the whole week, badly fed, and often punished with stripes and the knout. Often not having enough to eat, these serfs committed several highway robberies. Knowing

that in case of condemnation he might lose their unpaid services, the master concealed them, declaring to the authorities that they had fled. As he did not wish to lose the help of any one good for work, he turned the members of his own family into executioners. The daughters struck and pulled by the hair women and girls; the sons committed acts of the vilest debauchery with impunity, until the moment when a young husband, revenging an outrage done to his wife, stirred up a rebellion which ended in the extermination of the whole noble family. Cases of the same description happened as well in the time of Alexander I. and Nicholas I., and very few of those committing such outrages incurred the punishment which fell on the notorious Soltichicha, who, before being arrested, had succeeded in killing several of her female serfs by torturing them in a way which left no doubt as to her moral insanity.

If we add that the aristocratic institutions whose mischief we have just disclosed were extended by Catherine to provinces which, as was the case with Little Russia and New Russia, were formerly free from both nobles and serfs, it will be easy to understand the intimate motives of this as yet unprecedented uproar of the common people, which, beginning with the Yaik or Ural, embraced all the southeastern provinces of Russia and endangered for a while the further existence of the empire. Recent historians have very well shown that the Cossacks of the Yaik, who were the first to follow Pougachev, were not at all deceived by his pretense of being the Czar Peter III., happily escaped from the hands of murderers and wanting to take revenge on his faithless wife. Those who rose at the mere report of his near approach were, for the most part, serfs. Many of them had been, years before, free men. Such was, for instance, the case of those native tribes who inhabited both banks of the Volga and had been, like the Cossacks of free Russia, reduced to the state of bondmen under different

court intriguers richly endowed with lands by the empress. The mode of proceeding of the rebels was very like that once followed by the *Jacques* in France, and the peasants of England during the famous rising of Wat Tyler. As a rule, they killed the noble proprietors, sometimes with their whole family, and destroyed the few written records of their slavish condition that could be found in the local archives. With great pains Catherine succeeded in suppressing this insurrection, but not before having called all the nobles of the rebellious provinces to fight the common foe and to form for this end a kind of land militia.

Although drowned in a flood of blood, the rebellion of Pougachev had this happy result, that it called the attention of future emperors to the necessity of a legal interference in favor of the serfs. In spite of his folly, Paul I. was the first to take measures with a view to limiting the unpaid work of serfs to three days in the week. Alexander I. went a step further. During his reign serfdom was abolished in the Baltic provinces. The peasants lost the parcels of land they had occupied before and recovered their personal independence. The law of 1819 had the results which, in part, had been attained in France as early as the thirteenth century by the practice of the so-called *désaveux*. The serf refusing to retain any longer the tenure of manorial land, and the latter returning into the hands of the proprietor, the donor became personally free and was empowered to contract anew with his previous master, but this time as a free farmer. It is not only in the Baltic provinces that we witness the beginning of a movement in favor of emancipation. Alexander I. endeavored as well to create in thoroughly Russian provinces a class of "free cultivators." Landed proprietors were, to this end, authorized to enter with their serfs into covenants having for result the exchange of their tenures for personal liberty. But the nobility was not very anxious to adopt this new way.

The reason for their reluctance can easily be explained. After the conquest of the Crimea and of the provinces that constituted the so-called New Russia—events which happened during the reign of Catherine II.—Russia was not only enriched with large areas of fertile soil, very sparsely inhabited, and requiring a rapid colonization, but she got also direct access to the sea, and was, therefore, enabled to export to foreign countries the rich products of her agriculture. The last resident in Petersburg of the Venetian republic, Venier, as early as 1795 called the attention of his government to the advantage of entering into commercial relations with a country so rich in natural produce as Russia. Some months before the beginning, in 1812, of the great strife for her political independence against the French, the Spanish ambassador, discussing in one of his dispatches the chances of both parties in the future war, insisted on the fact of Russia's being very well provided with food for many years to come, and thought that her economical interests alone might suffer from the interruption of foreign trade. All the statements accord in recognizing the fact that the land under cultivation covered already, in the beginning of the century, an extensive area. Such conditions were certainly not fit to induce proprietors to abandon freely the system of unpaid labor, the more so as no class of free cultivators was known to exist, so that the serfs could not be replaced.

No wonder, therefore, that during a period of fifty-two years, from 1803 to 1855, not more than 115,734 peasants got their liberty, and that from masters not exceeding the number of 384. The humanitarian feelings of the minority of Russian nobles, more or less influenced by the theories of Robert Owen, whose Rochedale settlement had been visited by Nicholas I. during his short journey to England, found a sort of satisfaction, not in the emancipation of serfs, but in a fantastic organization of their work on

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communistic principles. So, for instance, certain nobles of the government of Kharkov tried to establish on their estates a kind of communistic organization, by which the landed squire was the first to gain. The rebellion of the Poles, in the year 1830, calling the attention of the government to the necessity of creating a class of political allies, by the improvement of the social condition of the peasants in these annexed provinces, gave the first impulse to a reform consisting, not in the liberation of the serfs, but in the establishment of fixed rents and service. Nicholas I. did not dare to face the hydra of serfdom in the thoroughly Russian provinces; he only appointed a commission in order to prepare the way for future emancipation. This commission worked very slowly, and, the Crimean war calling off the attention of Russian rulers and requiring all the forces of the country, the reform had to be put aside, at least for a while. But the fact itself of a powerful empire's weakening, not so much on account of the superior forces of its enemies as on account of the interior rottenness of its institutions, became a factor in the matter of emancipation. This last, as we shall see by and by, was happily brought about under Alexander II., and became the starting point in the remodeling of the Russian social, administrative, and judicial structure.

We have tried to show that the reign of Catherine ought to be considered as the beginning of a new era in the history of Russian provincial life. We have, to a certain extent, established this fact by reviewing the district organization and its close correspondence with that of the province, thanks to the establishment of general assemblies of the nobles, of marshals, and other nominees of the local nobility, called to the exercise of administrative and judicial duties, but we have not yet said anything of the remodeling of the municipal organization, which also was accomplished by Catherine II., in the year 1785. It is true that

Catherine had been preceded in her city reform by Peter, who tried, although unsuccessfully, to introduce into Russia, after the example of the Baltic cities, elective councils. The so-called magistrate had been in fact empowered to deal with the economical interests of the provinces. Their members were chosen, not from among all the inhabitants of the city or borough, but exclusively from among those belonging to the class of tradesmen and artisans, and as such enrolled in one of the merchant or craft guilds. Those Russian writers who have studied most the history of the third estate, and among them the late Professor Ditiatin, have been able to establish the fact that no direct affiliation can be admitted between the so-called magistrates or elective municipal bodies created by Peter and the city councils, or *doumas*, introduced by Catherine II. Even during the reigns of the immediate successors of the great reformer, elective municipal bodies ceased to exist, at least in certain cities, whilst in others they were subjected to such an extent to the power of the governors that they lost all practical influence. According to one of the legal documents of the day, the plurality of rulers was recognized to be a burden for the population, and the administration of a single man much more satisfactory. Although Elizabeth recalled them to life, it was only from the time of Catherine II. that they became the representatives of all classes of the population, and not exclusively of tradesmen and craftsmen.

The first occasion on which the nomination of a mayor, or *golova*, literally "head," came to be mentioned, was at the convocation of the famous legal commission of 1767. Just as the nobles were called to nominate in each district a marshal to preside at the election of their delegates to the commission, so the inhabitants of the cities were asked to choose a mayor for a like purpose. In 1785, according to a charter of grants issued by the empress, the different strata

of the town population, without any distinction of order, with the sole condition of being householders or land-owners, were empowered to nominate delegates to two different assemblies, the general council, or *douma*, and the council of six voters, the latter being a kind of executive commission. The latter soon monopolized all real power, and rendered obnoxious the existence of the larger municipal body. The fact that all orders were equally entitled to enjoy the franchise permitted the nobility to obtain a footing even in the municipal self-government. Although in the long run it shrank from the necessity of undertaking this new burden, in the beginning it condescended to exercise, at least in the two capitals, the offices of mayors and city delegates. No lesser men than Count Alexis Orlov and the Prince Viasemsky appeared among the nominees of Petersburg and Moscow. The six voters' *douma*, a name given to the city council on account of the enjoyment by each of the six divisions of the municipal population of only one vote, notwithstanding the number of their nominees, continued to exist side by side with the mayor or *golova* until the reign of Alexander II. Both institutions exercised exclusively administrative duties, judicial authority being deemed, according to the theory borrowed from Montesquieu, to be quite independent of the executive power.

If we inquire after the reason which prevented the rapid growth of municipal self-government in Russia, notwithstanding the advantages secured to it in the charter of Catherine II., we shall certainly have to point out its close dependence on the personal authority of the provincial governor. Hearing of governors meddling with the dealings of the *douma*, arresting the chief representatives of the municipal body, and condemning them to exile without any intervention on the part of the courts of law, we have no difficulty in understanding why persons enjoying a high

social position did not care to occupy the office of mayor. As to the actual possessors of power in the municipal administration, they showed toward the provincial governors a spirit of subserviency, which, according to the well-known saying of the Senator Safonov, induced them to forget that, besides the execution of orders received from the governor, they had also to look to the well-being of the city, both by redressing the wrongs from which it suffered, and by making in its name requests to the higher authorities. Some of the provincial governors perceived very well themselves the chief reason of the nullity of municipal self-government, and were ready to declare that if it was anæmic, it was so on account of the excess of governmental guardianship.

Into this sphere, as well as into that of the district administration, the reforms of Alexander II. were to put new life by extending the principle of representation to all the classes of the population, and by establishing certain well-defined limits within which local bodies could move freely, fearing no intervention on the part of appointed officers of the crown.

Of the three subdivisions of a province, the district, the borough, and the rural commune, the last had in Russia, until the reform of 1861, no kind of independence, and that, of course, for the reason that the landed nobleman, in his quality of serf-owner, was called upon for both judicial and police duty in the limits of his manor, which were also those of the village community. This does not mean that the different peasant householders settled within the limits of the manor had no joint economical interests and no need of understanding, to be attained by general meetings and a sort of patrimonial administration. The work of a periodical redistribution of shares or parcels in the open fields was generally performed by assemblies of householders, the future meetings of the *mir*. Among

his serfs the landed proprietor chose the older man *starosta*, sometimes known under the name of *burmister*, a corruption of the German *burgermeister*.

On the estates of the crown the same organization was known to exist, with this distinction, that the individual officers were more frequently elected by the *mirs* or communal assemblies. Among them, as well as among the minority of free rural inhabitants, occupying sometimes, under the name of *odnodvorzi*, whole villages, and very numerous in the northern provinces, we find besides the assemblies of the *mir*, under self-elected village-holder-men, a union of several villages and hamlets named the *volost*, and having each its own administration. It is out of these embryos that was to grow the still existing system of the peasant's self-government, and that from the moment when the emancipation of the serfs put an end to the patrimonial justice and police.

If we take into account the fact that, according to our previous statement, the Russian nobility, all-powerful in the limits of the manor and sharing in the district the burden of administration with officers of the crown, was far from being excluded from municipal self-government, we may be allowed to say that the characteristic feature of the reforms introduced by Catherine II. into local affairs was the prevalence of landed aristocracy. This impression will only be strengthened by a rapid review of the provincial administration as it had been created by the same empress in the year 1775. Although the division of Russia into governments had been made in the reign of Peter the Great, the character of such provinces was a quite different one from that they acquired from the time of Catherine II. All Russia had been reduced by Peter, first to eight and then to eleven parts, each containing several subdivisions, known under the name of provinces. This system finds no equal except in that of large French prov-

inces, such as Languedoc, Bretagne, and Normandie, composed each of a certain number of *intendances*. It had been maintained by the subsequent rulers with some slight modifications concerning the number or the limits of the respective divisions.

With Catherine II. we enter into a totally new period in the history of the provinces. Their number in 1781 is already forty-one, and from that time it has been always on an increase, reaching in our days that of seventy-seven, besides eighteen large areas, known under the name of territories, *oblasti*. The number itself shows that we have to deal with much smaller divisions than in the beginning of the eighteenth century, and indeed the law instituting the provincial self-government conformed itself to the wishes expressed by the members of the legislative commission and to the project elaborated by Count Volkonsky, the general governor of Moscow. The law started from this point of view, that each provincial division ought to contain not more than three or four hundred thousand inhabitants, admitting of no other subdivisions but that of the district.

In the interior organization of the province, as it had been modeled by the great empress, and remained more or less unaltered until the reforms of Alexander II., we have to notice first of all the presence, side by side with crown officers, of elected police and justice agents, chiefly, but not exclusively, taken from the ranks of the nobility; secondly, a certain degree of division of work, between thoroughly executive and thoroughly judicial powers, which, with the exception of the lower police officer (*stanovoi*), has all the appearance of that separation of powers so highly recommended by Montesquieu; thirdly, the existence, besides the ordinary justice courts, of courts of equity, under the name of conscientious jurisdiction, a feature which unhappily has disappeared in the present organiza-

tion. To enter into some details we ought to say that as in the French system of *intendances* and later on of *préfectures*, the head of the province, the governor, appears, like the French *préfet*, to be a kind of *factotum*, with this sole difference, that in Russia he has not to meddle with the ordinary courts of justice. Like his French colleague, he is helped in the performance of his duties by a vice-governor, the *sub-délégué*, and later on the *sous-préfet* of France, and a certain number of assistants, not less than two. With the addition of special officers, partly nominated, partly elected, they constituted a kind of *conseil de préfecture*, known under the name of *goubernskoie pravlenie*. Just as in France, the governor has to exercise a certain part of his functions, namely those which require dispatch, by himself, without any advice. The others need a previous deliberation of the provincial council, whose opinion is nevertheless not obligatory, but facultative. The same council—and this is another similarity to the French model—appears in certain questions as an administrative court of first degree, and in some others as a sort of judge as to the competence of such officers to treat the pending affairs.

Besides the governor, vice-governor, and council, we find in the province a board of treasury, dealing with the revenues of the crown and the expenses of provincial administration; a sort of poor-law board, empowered, also, to deal with questions of public health and popular education; two courts, one of civil and the other of criminal jurisdiction, having to decide in appeal civil lawsuits, the amount of the suit being under one hundred rubles, and misdemeanors of small importance, already judged in the first instance by the district courts. As to more important suits, civil or criminal, they are to be dealt with in the above named tribunals, but only in case of the parties being

nobles; otherwise they have to be settled by special tribunals,—by the so-called boards of magistrates, if the suitors are citizens, and by a superior land court in case they belong to the number of petty land-holders or crown peasants.

CHAPTER VI

THE REFORMS OF ALEXANDER II.—THE CENTRAL INSTITUTIONS

The reign of Catherine II. can scarcely be considered as a starting point in the history of the central institutions of Russia. She maintained the senate already instituted, as we have seen, by Peter the Great; she revived the office of the procurator general and accorded to it an importance not much less than that it had at the time of the great reformer; she did her best to extirpate bribery and indolence, so common among the members of that supreme body; and she applied to it the theory of the division of powers by calling certain departments of the senate to the exercise of exclusively judicial functions and elevating the others to the rank of a controlling institution to which, in case of misgovernment, all administrative officers and bodies were to be accountable. The old French *parlements* and other high courts, with their right of protesting against measures contrary to the existing legislation, inspired the author of the "Spirit of Laws" with the well-known theory that in each state caring for justice and right there should exist a body intrusted to safe-guard the existing legislation against any direct or indirect attack on the part either of ministers or of the supreme authority. Such a body was to become a sort of general repository of laws, as he termed it. Amongst other things borrowed by Catherine II. from Montesquieu, we may as well mention her project of making the Russian senate such a general repository of laws. She plainly expressed her idea on this subject in those written instructions which she gave to the members of the legislative

commission. Empowered to issue proclamations—in the sense this word had in England in the time of the Stuarts—the senate was at the same time compelled to conform them to the existing laws. An officer, subordinate to the procurator general, was appointed in each department of the senate with the special function of controlling the legality of the acts performed by them. Private suitors were allowed to complain of the infractions of the law committed by provincial administrators, not excluding the governors, and those suits were to be heard by a certain number of the sections of the senate. The procurator general had to be present only at the general meeting of all of them. In case he had some doubt as to the kind of decision that ought to be made in conformity with the laws, he was asked to refer directly to the empress.

It is easy to see, from the short notices here given, that Catherine II. did not introduce into the political organization of the empire any organic change. Like her predecessors, a perfect autocrat, she created no new institution to aid her in the exercise of her unlimited power, not even that which contemporary rulers maintained under the name of council of state. Supreme measures were taken on the advice of irresponsible and sometimes anonymous counselors, as a rule some favorite of the day, like the celebrated Potemkin, or his successful rival, the unscrupulous and tyrannical Zoubov. Nevertheless, it is the whole body of these autocratic and aristocratic institutions that men like the poet and high officer, Drjavin, or the historian, Karamsin, had in view when speaking, in the reign of Alexander I., of the necessity of maintaining the old assizes of the empire against the revolutionary attempts to remodel it after the fashion of the institutions of imperial France.

Any one caring for historical truth will admit that there was very little of old and genuine in these superstructures of half Swedish, half Teutonic institutions, reared on Musco-

vite customs and usages. The peculiar feature in the character of those who in the time of Alexander I. considered themselves to be conservatives, has been, and still is, the wish to recall to life, not so much genuine Russian institutions, as foreign ones, on condition that these last should not correspond to the newly fashioned requirements of society. To explain: Neither serfdom, nor the local self-government of aristocratic corporations, such as the district or provincial assemblies of the nobles, is to be found among the pillars of the Muscovite state; the total want of any central political institution, besides the chiefly administrative and judicial senate, was just the opposite of the political scheme of old Muscovy, where at first the prince and then the duke and czar were in the habit of deciding the questions of the day with the advice, both of their privy council, or *douma*, and of the people assembled in a folkmote, and later on in a kind of incomplete representative assembly, the *sobor*. We may, therefore, say with fairness that real conservatives are not likely to be found in the ranks of a bureaucracy created on foreign models, whose very existence is a sort of protest against the old Russian institutions. Russia has always had reactionary parties who have wished to bring the country back to the days of Catherine II. or of Nicholas I.—that is, to the days of autocracy based on the local rule of the nobility. Russia has never had real conservatives other than that kind of romantic school known under the name of old *slavophils*, who have desired to revive both the political institutions of bygone ages and the manners of their remote forefathers, still preserved by the peasants. But this sort of political archæology is too remote from the preoccupations of a rapidly progressing society to deserve a serious criticism. We may therefore say that the conflict between those who under Alexander I., at his direct suggestion, remodeled the upper strata of the Russian political

organization, and those who endeavored to put spokes in their wheels had nothing in common with the eternal strife between the friends of progress and the supporters of the established order.

The fact is, that Russia, at the death of Catherine, was so devoid of central political organization that the madman who, under the name of Paul I., had to rule over her destinies, could, unchecked and almost unadvised, commit the grossest acts of despotism, endangering the welfare of the state both at home and abroad. Even those local liberties which Catherine had granted to the higher order were imperiled by his mistrust of the nobility, which accordingly was prevented from retaining its provincial marshals and provincial assemblies. Instead of basing his autocracy on the self-government of the higher order, Paul I. thought of achieving the organization of bureaucracy both above and below; above by the creation, first, of ministers, then of a private secretaryship, divided into as many departments as there were ministers—seven in all—and of a general meeting composed of the chiefs of these departments as well as of the ministers—a meeting that he misnamed council of state. In this way there began in his reign the reform of Russian higher institutions, according to the system created by the French Revolution and put into force by the first consul, Bonaparte. The procurator general maintained his previous influence, appearing as a kind of minister of justice. A ministry of finances, of commerce, and of appanages was first called into existence. The strongest bureaucracy was upheld in the interior of each ministry; the chief rulers escaped any judicial or administrative control and disposed of everything concerning their department with the help of governors and their subordinate officers in the district.

Administrative centralization, like that of France, was in this way already carried out to a great extent when a

successful palace plot opened to Alexander I., the pupil of the republican La Harpe, the way to the throne and to the completion of the political reform of Russia on the model of French imperial institutions.

In order to understand the character of the uncompleted evolution of Russia in the days of Alexander I., we shall try to give a general description of his social and political ideals. Amongst the rulers of the first part of the nineteenth century, no one can be considered to a greater extent the pupil of French philosophers and moralists than the grandson of Catherine II. His education had been intrusted by the empress to the well-known La Harpe, himself imbued with the theories of the encyclopædists, and even more with those of Jean Jacques Rousseau. No wonder that years before his accession the young prince already expressed opinions at great variance with the existing institutions of Russia. In his letters to La Harpe, recently reproduced by the author of the most complete biography of Alexander, General Schilder, he plainly says that his intention is to endow Russia one day with a representative assembly. To it he intends to give the right of elaborating a liberal constitution for the empire. As for himself, he dreams of leading a peaceful life, far away from public affairs, enjoying the view of the general happiness created by him in preserving Russia from despotism and tyranny and in granting her political liberty.

His so-called "political rambling talk," an expression used to qualify this sort of feeling by an eminent friend and counselor of Alexander, Prince Adam Chartorisky, guided the emperor during the better and the greater part of his reign. It is to it that the grand duchy of Varsovy owed the establishment of a free constitution, which ended after the first rebellion of the Poles, in the year 1830. The same "rambling talk" ought also to be considered as the starting point of those numerous political reforms which slowly

prepared a complete change in the interior conditions of Russia, and which were suddenly and inopportunely interrupted by the necessity of employing all the forces of the country against foreign invasion. Years later, when the fall of Napoleon gave Russia the possibility of resuming her interior development, new hindrances coming from abroad, and more especially the spirit of reaction which characterized the so-called Holy Alliance, once more arrested the liberal efforts of the czar, alienating from him the feelings of the most enlightened part of Russian society, and inducing those who recently had been his surest allies to turn rebels and to take part in the unhappy revolution of 1825. The fact is that, although of foreign origin, the "political rambling talk" of the young Alexander was a protestation against this omnipotence of bureaucracy which had been the rule in Russia during the whole eighteenth century, and the bad results of which had already been recognized by Catherine II.

The dark points of what is generally known under the name of absolutism became notorious from the moment when it endangered the freedom and safety both of private persons and of members of the imperial family. A few days before the murder of Paul I. reports were spread about the imminent arrest of the heir apparent and of his eldest brother, Constantine. And one of the first measures of the new reign was the recalling from exile of a whole regiment ordered by Paul to Siberia, on account of some trifling nonconformity to military discipline.

Fortunately enough the young emperor found amongst his most intimate companions three persons of equal honesty, although of different abilities, who constituted a sort of unofficial council and prepared the different administrative reforms which, by and by, were introduced into the empire, not as something complete, but as a first step to a general remodeling of it in a liberal sense. One of these

three men, Prince Kotchouboy, rendered even a greater service to Alexander by introducing to him, as a sort of private secretary, a man whose genius and profound knowledge, both of foreign and Russian institutions, enabled the emperor to give a definite shape to his interior reforms, and to endow Russia with certain institutions and certain legal customs, still existing, and whose accurate observation might be a certain check to the unlimited rule of the emperor's pleasure, or rather, of ministerial despotism. This really providential man was Speransky, a student of those ecclesiastical schools, or seminaries, which notwithstanding many drawbacks, had at least the advantage of giving, with the knowledge of Latin, a certain philosophical training to the mind.

It was with the advice of such men as Kotchouboy, Chartorisky, and Speransky that Alexander proceeded to the construction of two new wheels in the political machinery of the empire, namely, that of the council of state and that of ministries, whose chief directors had to unite in a debating committee under the eye of the emperor. The foreign tutor of Alexander, La Harpe, was invited to visit Russia and to give his personal advice as to the remodeling of her state. We find, in the proceedings of the so-called unofficial council, the mention of some of the precepts given by La Harpe to the young emperor. They converged toward the establishment of a strong personal government, surrounded by some legal institutions, such as the council of state, as a body, totally different from the senate, and called to prepare the laws. Protesting against the nomination of a prime minister or chancellor, he (La Harpe) insisted on the necessity of limiting the minister's authority by that of the emperor.

It is easy to see that the republican predilections of La Harpe had already given place to a new ideal of a strong personal government inspired by justice and freedom, and

ruling the people for their benefit, but without any participation on their side. This ideal of a good tyrant, revived from the days of the Roman empire, has haunted more than once the imagination both of popular masses and of political thinkers, both at the time of the Renaissance, and in the second half of the eighteenth century. It was once more revived by the great heir of the revolution, the first consul, Napoleon Bonaparte. He inspired with admiration both the tutor, La Harpe, and the pupil, Alexander. The latter, for years to come, continued to consider him as a true republican, having no personal ambition, and exercising a sort of temporary dictatorship exclusively for the well-being of the commonwealth. The recent biographer of Alexander I. has very well noticed the fact of the great disappointment the emperor felt when hearing of the kind of new *coup d'état* by which Napoleon secured the consulate for the rest of his life, and the difficulty he experienced in changing the mode of addressing the French high officers who, from citizen ministers, were turned into excellencies. The word "tyrant" was, whilst speaking of Napoleon, used by Alexander before the beginning of the war, which ended in the peace of Tilsit, and a personal interview of the two emperors in 1807.

The years that followed may be considered as the period of the greatest social and political influence of France on Russia. It is the time of the first French-Russian alliance, directed chiefly against England and ending in a general lock-out of her wares by the establishment of the so-called *blocus continental.* These years were also for Russia those of a new territorial extension, of the complete military occupation of Finland, which passed under the rule of the czars as an independent principality, receiving from its conqueror not only the recognition and even extension of its political privileges and free institutions, but also an increase of its territorial area by a new cession of the prov-

ince of Vyborg, previously annexed by Russia. The period which lasted until the year 1812 may be considered equally as the richest in political schemes and institutions. It was during it that in full conformity with the wishes of the czar, Speransky drew up a complete scheme of a new constitution of the empire as well as of a thorough reform of its central administration.

We shall give a brief sketch of this interesting document, already published in its French version by Nicolas Turgenieff, in his well-known book, "Russia and the Russians." What the author of this scheme wanted was to find, as he himself said, the means of rendering the fundamental laws of the state inviolable and sacred for everybody, not excepting the monarch. Quite in conformity with the views of Jean Jacques Rousseau, Speransky believed that a government cannot be legitimate if it is not based on the general will of the people. This does not mean that Speransky, like the author of the "*Contrat Social*," cared for nothing but democracy; quite the contrary. Like the leading men of the great revolution, he tried to bring into accord such contradictory views as those of Rousseau and Montesquieu. He declared, therefore, that the right of legislating ought to be given to the people, but aristocracy was to become the maintainer of the once established laws. "No monarchy," says he, after Montesquieu, "can exist without nobility." Applying these general rules to Russia, Speransky began with a thorough criticism of the existing state of things. "To judge by appearance," says he, "we possess everything, but in reality we have nothing, not even a monarchy, and this because even a noble depends for his life, property, and honor, not on the law, but on the will of the government." Instead of being composed of nobility, third estate, and lower orders, the population of Russia consists chiefly of two classes of people—the slaves of the landed proprietors and the slaves

of autocracy. Speransky wished to create in Russia a new social and political organization. "The higher order," writes he, "ought to be based on the law of primogeniture. This order is called to hold the chief offices of the state and to maintain existing laws. All those whom the monarch has not elevated to the higher order, as well as those who do not inherit its privileges by law of primogeniture, are to be considered as belonging to the common people." It will be seen from this that Speransky had an English ideal as to the intimate connection between peerage and commonalty. In complete accord with the English practice he wanted the czar to elevate to the higher order the rich families of the third estate. The nobility would constitute a separate chamber, like the English House of Lords. Its chief privilege would consist in the exclusive right of possessing serfs. But this right was not to be considered as permanent, serfdom being too contrary to common sense. The law ought, therefore, to determine at first the real amount of the dues which the serf-owner has a right to exact. Later on the peasants ought to enjoy again their former privilege of passing freely from the hands of one proprietor to those of another. Such were the social views of Speransky.

As to his political scheme, it was based chiefly on the well-known theory of the division of powers. In his project of a code of fundamental laws of the state, of the year 1809, we read accordingly the following sentences: "Three powers put the state into motion, the legislative, the executive, and the judicial. The beginning and the source of them are to be found in the people. Totally divided, these powers are dead powers; they can originate neither laws, nor rights, nor obligations. To make them act we must unite and counterbalance them. Their combined activity constitutes the supreme power. It is difficult to admit that a single person should be able to maintain a strict

balance amongst the three powers named in all the different manifestations of government; therefore, it is necessary to have a special body, in which rules may be elaborated governing the combined action of the three powers in all occurrences. This is the chief reason for the establishment of a special body, the council of state, in which all decrees are to be prepared." It is easy to see that in all this theory as to the necessity of a special organ to bring the administrative acts of government into conformity with the laws, Speransky was directly influenced by French models, and more especially by the constitutional scheme, worked out by Sieyes, modified and put in practice by the first consul. Those so-called Napoleonic ideas have formed the base of the still-existing administrative and political order in France, and have determined, to a great extent, the political philosophy of modern Europe.

According to these principles, Speransky proposed the establishment of four different kinds of central institutions: of a legislative body, known under the name of a state *douma;* of a chief judicial authority, the old senate; of chief executive officials, the ministers; and of a special council of state, empowered to prepare, in conformity with existing laws, decrees which should become executive, if confirmed by the emperor. The *douma* was to be composed of delegates nominated by provincial assemblies. The initiative was to belong to the government alone, except in three cases, in which the assembly itself exercised this right. These cases were the following: The assembly could address, without any further demand, its observations, first, as to the wants of the state; secondly, as to the responsibility incurred by the ministers; and thirdly, as to taking measures contrary to the fundamental laws. In the organization of the ministries, Speransky had chiefly in view two ends: to create a uniformity in the direction given by the different ministers to their respective departments, and to

make the ministers responsible. The first was achieved by the creation of a special institution, the committee of ministers, of which the emperor was to be the head, and the second by the subordination of the ministry to the judicial power of the representative assembly. Contrary to the prevailing opinion, Speransky thought the senate unable to exercise the rights of a legislative body; therefore its functions were to be limited to the judicial department, and it was to become both a court of cassation and a chief arbitrator between private suitors and state officials. As to the council of state, it was to be composed of persons nominated by the emperor, and divided into sections. The union of all of them was to constitute the general assembly, to which was reserved the right of discussing the text of new decrees. The opinion in favor of which the majority had declared itself was not obligatory for the czar who could insist on the necessity of a new discussion of any proposal made by members of the minority.

Such was, in its general outlines, the scheme of Speransky. It contained, to a great extent, the same ideas as those entertained by the members of the unofficial council, the famous triumvirate, and was in complete accordance with the personal predilections of Alexander I. Nevertheless it was not destined to become a reality. Already, in 1812, the reactionary party was powerful enough to create in the mind of the emperor a suspicion against the powerful favorite. He was denounced as being in secret correspondence with Napoleon and supposed to have for his chief aim the creation of a sort of internal anarchy which would endanger the safety of the empire, just at the moment when the nation was compelled to direct all its forces against the foreign foe. One who, at the distance of almost a century, reads the different published or unpublished pamphlets written against Speransky's projects, is puzzled by the want of correspondence between the facts

as they are and the incriminations directed against them. Where can we find in the projects of Speransky anything authorizing us to say that his intention was to disorganize the empire and to produce a general confusion? Nevertheless, these are the exact words which a man serving under the orders of Speransky, Rosenkampf, employed to formulate his accusations. No wonder, therefore, that the names of a second Cromwell, of a traitor sold to France and Napoleon, are often met with in the official and semi-official notes by which the so-called Conservatives and Nationalists were persecuting a man of thoroughly good intentions, and of undoubted honesty—a man who, after all, conformed his acts and writings to the expressed wish of the czar. It is difficult to understand why, even in the eyes of persons whose past at least had been in favor of liberty—and such was the case of the renowned historian, Karamsin—Speransky passed for being a foe of the nobility, while no one more than he wished to contribute to its political greatness by allowing the higher order to constitute, with the help of the law of primogeniture, a sort of English peerage. We must not forget that this accusation was the one that first called the attention of the Emperor Alexander to the want of confidence which his chief adviser inspired in the ruling order. The well-known memorial, "On Old Russia," presented by Karamsin, was the beginning of this sort of campaign which the conservative party conducted against the omnipotent favorite.

But what is most puzzling is the facility with which the emperor gave credit to all these denunciations, and the profound hypocrisy which appeared in his behavior toward a man who had been but the agent of his own will. No excuse can be conceived for the base insincerity Alexander I. showed in his last meeting with Speransky. After he had taken leave of the man who had possessed all his confidence, and had shed tears on his shoulder, Alexander at

once gave him up to the agents of the state police, and had him sent into exile. The letter which Speransky wrote to the emperor immediately after his seclusion in Nijni-Novgorod, and which remained unanswered, contained the best refutation of the indictments against him, and a strong condemnation of the emperor's conduct. In it Speransky insists on the fact that the first sketch of the plan for the general organization of the empire had been drawn up by him under the auspices of his majesty and at his formal request. "This work, sire," continues the accused, "is the unique cause of all the trouble that has befallen me. I may go in exile to Siberia without losing the conviction that sooner or later your majesty will return to the same fundamental ideas; they have penetrated into your heart; I did not suggest them; they were already formed in your mind. If the mode of putting them into practice may, and ought to be, modified, and their execution postponed to a calmer period, the principle on which they are based can never be attacked."

In presence of such confessions, it is almost impossible to say that the disgrace of Speransky was entirely due to the loquacity with which the once all-powerful minister had expressed his criticisms as to the frequent changes of opinion and want of straightforwardness which Alexander I. had shown in the accomplishment of long premeditated reforms. It is said that the recent biographer of this great statesman is inclined to think that the emperor considered himself offended by the sayings of his minister, but if such was the case, in what light can we view the character of Alexander I., who takes personal revenge on the executor of his own wishes by pretending to give credit to accusations which he knows to be false? The very words uttered by Alexander to one of his confidants, Novosilzev, with regard to Speransky, leave, unfortunately, no doubt as to the selfishness he showed in sacrificing his minister. "Do you think

him a traitor?" asked Novosilzev. "Not in the least; in fact he is guilty only toward myself—guilty of having paid my confidence and my friendship with most abominable and black ingratitude."

The emperor accuses Speransky more especially for the expressions he had dared to employ, and which, of course, concerned the tergiversations of Alexander's interior policy. It may be of some use to cast a look on these tergiversations; they explain to us to a certain extent the reason why, out of the good intentions of the czar, nothing was left but unsatisfied demands for liberty and representative government—demands which were suggested indirectly by the emperor himself, and which created a kind of military rebellion, making many victims, and cruelly suppressed by Nicholas I. Already in the year 1803 it became plain that, like his predecessors, Alexander I. was not inclined to abandon even a modest part of his imperial prerogatives. Here is a case in point: Side by side with the creation of the ministries, a law was issued by which the senate obtained a right enjoyed for centuries by the high judicial assemblies of France—that of addressing its remonstrances against laws that were not in accordance with the existing legislation. A case of this description presented itself in 1803 on the occasion of a new measure, by which a service of twelve years was required of noblemen who were under the rank of non-commissioned officers or *sous-officiers*. This law certainly contradicted the charter granted to the nobility by Catherine II., according to which obligatory service of noblemen had been abolished. No wonder that one of the senators, Count Potoczki, thought himself authorized to address to his colleagues a demand for a collective protestation, and that notwithstanding the uncompromising attitude of the president, Drjavin. The senate met with a cool reception on the part of the emperor, and a law issued a few months later

explained the former decree in this sense: that protestations were authorized only in case of old laws being in contradiction with one another, on no account in the case of laws published during the present reign. Of course this meant nothing but the taking away of a prerogative just accorded and the diminishing of the rights of autocracy.

Alexander was more liberal as to the restrictions imposed on his imperial power when he had to deal with Poland. To him alone belonged the initiative in the creation of the grand duchy of Varsovy and of its endowment with representative institutions. Austria was very much against such a plan, and Metternich, whilst opposing it at the congress of Vienna, was not far from endangering his personal good understanding with the czar. But as to Russia herself, even in later days, Alexander I. was contented with expressing only his good will as to the remodeling of the empire on a European plan of constitutional monarchy. But real measures for bringing about this change were not taken. The Holy Alliance and the different congresses convoked for the purpose of creating a sort of counter-revolution were generally given out as the chief reason which prevented the accomplishment by the czar of his dearest wishes. The end of all this was that the reign of Alexander enriched Russia only with the establishment of a council of state and of ministries.

We pass now to a closer examination of this new legislative and administrative machinery. We begin with the council of state. Its chief distinction from other institutions of the same description in England, France, or Germany is that, instead of being a purely consultative body in all matters of state, or as is the case in France, also a court of administrative jurisdiction, the council became in Russia a mixture of the most different functions—legislative, financial, administrative, judicial. The reason for this is to be found partly in the fact that the authority which, in the

scheme of Speransky, had been recognized as belonging to the general assembly or *douma*, passed over to the council of state, and that from the moment when the idea of an elective assembly was totally eliminated. No wonder, therefore, that one of the chief occupations of the council of state from the year 1812 to our own days has been the discussion and preparation of new laws, as well as the composition of the budget—two functions which, in representative monarchies, belong to the assemblies of the people, and the last, at least, more regularly to the lower chamber. To an American, accustomed to see in the law the expression of the people's will, it must seem strange that the only distinction which may be made in Russia between a law and an administrative order is the fact of its passing through the deliberations of the council of state. In this way the same act which in France, for instance, would be considered as a proclamation in the sense in which this word was used in the time of the Tudors and Stuarts, possesses in Russia the character of law. The form itself in which the participation of the council in the composition of a new law was expressed, is directly borrowed from the one still in use every time that the council of France proceeds to the issue of a new so-called *réglement d'administration publique*. It contained the well-known words, "The council first heard," which means that the council of state has first expressed its opinion on the matter.

Some persons falsely interpreted the meaning of these words in saying that the decision of the council was obligatory for the emperor. A part of the bad feeling which Speransky had inspired in the so-called Russian conservatives proceeded from this false supposition that the chief reason for the introduction of the above-mentioned words into the texts of Russian laws had been a sort of restriction of the imperial power. Karamsin was amongst those who addressed to Alexander a warm entreaty not to assent to

this formula, declaring in his memorial, "On Old and New Russia," that the emperor has not to listen to the advice of any political body, but to that of reason, wherever the latter may be found—in his own mind, in books, or in the opinions of his subjects. Answering this sort of accusation, Speransky had no difficulty in establishing, in a letter sent from his exile at Perm, in January, 1813, the fact that his intentions were not at all to limit the fullness of supreme power by the establishment of the council of state. "In what is such a kind of restriction to be seen?" wrote he to Alexander. "Is it not the emperor himself who orders such and such questions to be submitted to the council? And the decisions of the latter, are they not put into force by his own words?" ("*Ne reçoivent-elles pas leur solution finale par sa seule parole?*") No doubt, then, that even before the publication, in the year 1842, of a new law as to the functions of the council of state, in which the formula that produced such excitement amongst the conservatives was omitted, the emperor had the right to accept the opinion of the minority as well as that of the majority of the council. It is still the case, and the only reason why modern ministers prefer to the form of a law discussed by the council that of so-called temporary rules, directly presented by them for the signature of the emperor, lies chiefly in their want of confidence in an assembly whose members have not completely forgotten the liberal traditions of the Czar Alexander II.

Although Russia knows of no constitutional restrictions, there has existed, nevertheless, almost from the time of the creation of the council of state, and more especially since the year 1810, this rule: that legal measures introduced in the form of laws—*i. e.*, measures which have been passed by the council—can be abolished only in the same way —*i. e.*, by law. This rule seemed irksome to the modern instruments of autocracy; so they took refuge in

the fundamental laws, article 53, which recognizes in any order given in the name of the czar the force of law. They chose this more expeditious way in order to introduce without any fear of opposition such measures, for instance, as the inclusion in the ranks of the army of students accused of having taken part in collective manifestations. It is curious to note that at the end of the *ancien régime* in France, the ministers showed the same dislike of the regular way of passing reforms by laws presented for registration to the high courts of justice, and preferred the easier form of administrative orders. This practice was denounced by contemporaries as an infraction of the old unwritten constitution of the kingdom, as a manifestation of that ministerial despotism which political writers of the day considered the greatest plague of the country. One is not far from thinking that the same may be said of modern Russia, where the all-mighty bureaucracy prefers to deal with a kind-hearted but badly informed monarch and to extort from him by fear or persuasion a signature freeing them from any responsibility for their most illegal and outrageous acts.

From what has been said it may readily be understood why Russian lawyers attach importance to the scrupulous observance of the forms according to which new laws are to be prepared by the council of state. Although its decisions are not obligatory for the emperor, the fact that the ministers, or at least their assistants, have to undergo the fire of criticism, from their own colleagues as well as from older statesmen called to sit in council by the nomination of the czar; that they have to defend their scheme, article by article, and not once, but twice, first in a committee of the council and then in its general assembly—constitutes on the whole a great presumption in favor of a serious examination of the questions at issue. Both decisions, that of the majority and that of the minority, are presented

in a written form to the emperor, who may choose between them, unless he prefers some third opinion, expressed by any member of the council not induced to indorse that of either party. In this case the emperor may ask the members of the council to submit this independent view to a further examination.

The number of the councilors is rather small. At first —that is, in the year the body was definitely created—the number did not exceed thirty-five. In our day it hardly amounts to seventy or eighty. Ex-civil officers are in the majority, chiefly by reason of the presence at the meetings of the council of the fourteen ministers. Persons belonging to the imperial family become members, not by birth, but by nomination. The high clergy are totally excluded. Persons having acquired some reputation outside the public service may become members of the council, but instances of this kind are very rare. The president is nominated every year by the emperor from among the most prominent statesmen, and during the last three reigns from among members of the imperial family. The same person very often is called to occupy the post of president year after year. A numerous chancery prepares the matters for the deliberations of the council. To each of the sections of the council is attached a secretary of state. A superior officer is placed at the head of the secretaryship, in order to attend the meetings of the general assembly; he is known under the name of *gosoudarstoeni* secretary, which means nearly the same thing as state secretary. The quorum in the departments of the assembly is limited to three members. No quorum exists at the meetings of the entire council.

The council of state being in the first place an institution for the forming of laws, let us say a few words as to the way in which these laws are proposed and debated. The right of initiative belongs chiefly to the government.

According to the law of 1857, the ministers cannot present to the council of state any proposal without previous permission from the emperor. But certain Russian lawyers think that the senate and the high ecclesiastical commission or synod possess a right of initiative, both being authorized in case of a contradiction of laws to demand a new law by applying to the council of state. Although Russian subjects have no direct influence on the altering of the existing legislation, an indirect way was for a time opened to them by petitioning the czar. Amongst the different demands which, according to the law of 1810, were to be examined by a "commission of petitions" attached to the council of state, were mentioned those which contained the project of a new law. Those that were considered to deserve attention were forwarded by the commission to the proper minister. The same practice was maintained by the law of 1835, which remodeled the commission, and it was only in 1884 that in a new law on the same subject were omitted the petitions concerning the issue of some new law, and that without any reason for such a change.

The project of law before assuming its definite shape passes through two kinds of examination, first in some committee of the council of state and then in the general assembly of the council itself. It becomes a new law only after it has received the sanction of the emperor, which is generally expressed by his signature, preceded by the formula "So be it" (*bit po semon*). The law also requires before going into force the so-called promulgation. The Russian code distinguishes the two, declaring, His majesty confirmed the decision of the council and ordered it to be executed. Besides this sanction and the order of execution, the law demands publication; it takes, in Russia, the form of the insertion of the new measure in the collection of laws and orders of the government, published by the senate. From the moment of such

an insertion nobody is authorized to plead "Not guilty" for the reason that the law was not known to him.

Beside the forming of new laws, the council of state exercises, in Russia, another prerogative of representative assemblies, that of preparing the budget. In distinction to the laws, the budget is to be voted without discussion, both in the department of public economy of the council of state, and in the general assembly of the latter. The emperor does not have to choose on this occasion between the opinion of the majority and that of the minority; unanimity is attained by mutual concessions which sometimes greatly alter the previous plan. The whole work of preparing a budget is performed in the following way: Each ministry elaborates its own scheme of revenue and outlay for the next year. The schemes are examined by the minister of finances, by the controller general, and by the council of state. One ministry alone—that of the court—is exempt from any previous examination of its plan, which is directly inserted in the general budget. Not later than the 1st of November the minister of finances is required to present this general scheme to the council of state. In presence of the ministers the department of public economy in the council begins at once to examine it and to present amendments. In case the ministers concerned should not acquiesce, the matter is once more discussed in the presence of the minister of finances and of the state controller. The matter once settled, the department begins to examine the scheme from the point of view of the utility and the convenience of the different outlays proposed and the possibility of covering them with the expected revenues. The conclusions of the department are submitted thereafter to the general assembly of the council and presented for the sanction of the emperor not later than the 15th of December, the last more in theory than in practice. The whole work of examination of the budget is really

performed by the department of public economy; its discussion in the general meeting of the council is sometimes only a formality and takes not more than a session. As to the publication of the budget, it is a part of the duty of the minister of finances, who orders it to be printed in the official gazette. No outlay not inserted in the budget can be made without previous permission from the emperor. A demand for special credit is addressed in such a case to the department of public economy by the minister of finances, and it is discussed in the presence of the state controller. By the department of public economy the supplementary schemes are presented directly to the emperor, without passing through the general assembly. In case special credits are required for political, war, or court purposes, the minister of finances is freed from the necessity of seeking the advice of the council. He presents his scheme directly for the confirmation of the emperor.

So far we have seen the council of state accomplishing in Russia the sort of work which, in representative monarchies, is performed by the elected assemblies. Thanks to a confusion of the functions which, according to the first scheme of Speransky, were to be performed by the general representative assembly, the *douma*, and those which of necessity belonged to a council of state, the latter received, from the law of 1810, also the right of giving its opinion on questions of war, peace, and international relations, of taking measures of home policy on extraordinary occasions, and of examining the accounts of the ministers—all this besides the right of interpreting laws, and of discussing the necessity both of alienating public domains and of expropriating private persons. The law of 1811 defined more precisely the connection of the council of state with ministerial responsibility. The council had to examine the accusations brought against the ministers and to order the proceedings. The law of 1842 having deprived the coun-

cil of state of the right of examining the accounts of the ministers, this body lost the greatest part of its political importance. Although the council acquired new controlling functions from the moment of the creation of the elective provincial assemblies and municipal councils by the Emperor Alexander II., its authority in these matters manifested itself only in cases of an over-taxing of the population with local dues. In such cases the council is empowered to annul or to alter the decisions of the above-named local assemblies.

This is far from being an enumeration of all the different attributes of this superior governing body, but the little that has been said suffices to show that it cannot be compared either with the English privy council or the French *conseil d'état*. The functions of a chamber of representatives have taken in the Russian council to such an extent the upper hand of those of a deliberating executive body, that it has become necessary to create a special organ for the performance of purely administrative duties. This organ bears in Russia the inappropriate name of a "committee of ministers." It need scarcely be said that this committee has nothing in common with a cabinet. Nevertheless it was the cabinet system that the creators of the committee of ministers had in view. In the year 1802, while proposing the establishment of different ministries, the chief counselors of Alexander, members of the unofficial committee, composed of Kotchouboy, Novosilzev, Chartorisky, and Strogonov, insisted that all measures proposed by any one of the ministers should pass previously through a general examination by all of them, this being the only way to create a certain unity in home and foreign politics. The law of 1802 adopted this view and ordered that no minister should make a proposal unless it had been previously approved at a general meeting of all his colleagues. But such a scheme was soon opposed by the reactionary party. They saw in

it a withdrawal of the old Russian principle according to which no will other than that of the czar should decide in all political, legislative, or administrative matters. No wonder, therefore, that more than once, in 1811 and 1825, *e. g.*, the question had been agitated of abolishing the committee altogether. If, nevertheless, it continued and still continues to exist, it is only on account of a considerable change in its composition and character. Besides the ministers, the presidents of the different departments of the council of state are called to attend the meetings of the assemblies. From the reign of Nicholas I. the heir apparent also appears at these assemblies, and quite recently Alexander III. ordered the president of the council of state to be a member of the committee.

Although in the beginning the idea of creating a committee of ministers was suggested by the want of a previous understanding among them on actual politics, the committee, instead of becoming a sort of cabinet, usurped more or less the functions of the council of state, in this sense: that the right of issuing proclamations, or to use the French term, *réglements d' administration publique*, passed chiefly to it, the council of state being content with the debating of laws. Besides, certain matters have been intrusted to the committee of ministers, such as, for instance, demands made by the minister of the interior or home secretary, as to allowing such and such a person to become the subject of a foreign state. The same committee has to pronounce on the question of introducing more serious and extraordinary means for the maintenance of public order, as to the way of dealing with unauthorized associations, as to the prohibition of certain publications considered dangerous, and last, as to measures concerning the feeding of the people in time of famine. It is quite foreign to the author's purpose to give a list of all the different objects dealt with by the committee of ministers. They are submitted

to its deliberations at the instance either of a special minister, or by the so-called "highest order,"—that of the emperor.

The little here said suffices to show that the previous intentions of Alexander I. in creating this institution have been completely abandoned, and to such an extent that the committee of ministers became a sort of council of state, while the latter turned into a consulting legislative assembly. In the time of Alexander II. both institutions were considered insufficient for the work of preparing administrative regulations in which several ministries were equally concerned. Therefore, in the year 1861, was created a new body, the council of ministers. Although its functions have been enumerated at length in the text of the law, the fact that no questions are to be debated in it unless they have been introduced by the "highest order," dispenses with the bringing forward of this list. In fact, during these last years, the meetings of the council of ministers have ceased. A new institution begins to play a considerable part in the direction of home politics, the more or less informal consultation (*soveschanie*) of the czar with his ministers. It takes place on such occasions, for instance, as the recent troubles of students and workmen in the two capitals and some other university towns.

Besides all these supreme bodies, attention must be called to the existence, in Russia, of a high military council and of a supreme admiralty council. The first deals with all questions of military legislation, with the economic state of the army, and with the highest questions of its interior administration. This council is composed of persons directly nominated by the emperor. The minister of war is considered to be its president. The council is divided into sections. The general assembly meets every time it is convoked by the chief secretary of war. An organization very like this has been given also to the coun-

cil of admiralty, which only in the year 1828 superseded the so-called collegiate body of the admiralty. The existence of both councils—the military and the admiralty—has for its chief effect the diminishing of the number of matters submitted to the legislative and administrative authority of the council of state, as well as of the committee of ministers.

Any sketch of Russian central political institutions would be incomplete without a consideration of the private secretaryship of the emperor. It was created in the year 1812, that is, at about the same time as the first appearance of the council of state and the committee of ministers. The law of 1826 was issued a short time after the suppression of the political movement of the so-called "Men of December," which tended, as has been said, to endow Russia with a constitution. This fact accounts for the reason why the law gave an entirely new spirit to this institution. Two new sections of the secretaryship were created. One, the so-called second section, was intrusted with preparing the text of the new laws, while the other, the third section, centralized in its hands the supreme direction of the political police. It was only a few months before the murder of Alexander II. that this dreadful political inquisition was declared to be abolished. This did not mean, of course, that the Russian emperor rejected the aid of such an effective instrument in the discovery and prosecution of all attempts to overthrow his autocratic power. It only meant that henceforth the political police was to constitute a special department of the ministry of the interior. On this occasion, as on many others of the same kind, appeared the total want of genuine information on the part of the editors of large and important newspapers all over Europe. They were unanimous in praising the kind-heartedness of the czar for an act which, in reality, meant nothing but a change of name.

Two years later, in 1882, a modification of the same description took place affecting the legislative section of the private secretaryship of the czar; it constituted a special department of the council of state, so that nowadays the private secretaryship, besides answering by the character of its attributes to the name it bears, serves only two different purposes. A section created in it, in the year 1838, and known under the name of the fourth section, deals with the management of all institutions for female education in which the children are required to reside in the establishment itself. In the year 1892 a new section was created; its chief purpose is to render the services which, in France, for instance, are performed by the administration of the legion of honor. That is, it is here that the questions are settled as to the mode of rewarding public officials either by elevating them to a higher rank or granting them the right of wearing certain decorations.

Now that we have passed in review the chief political institutions of Russia, we may conclude by saying that it was in the time of Alexander I. that the outlines of the now existing system were first drawn. The men who framed the system were constitutionalists to the same extent as the emperor who asked their assistance. No wonder, therefore, that in their scheme we find the reproduction of the axioms of every liberal government, such as popular representation, division of functions, distinction of law and administrative order, solidarity of ministers, and their responsibility, collective or individual, before the chambers and the courts. The emperor changing his views, or rather, being prevented from putting them into practice by the reaction triumphing in his own estates as in those of the other members of the Holy Alliance, the system we have examined was worked out in a way which left not even a remote resemblance to a constitutional state. Russia introduced certain European institutions

without the spirit proper to them, and instead of a living political organism, deeply rooted in the sovereignty of the people, established an enormous and costly bureaucratic machinery, exercising an almost uncontrolled and unlimited power over bodies and minds, depriving Russian subjects of the right of free motion, as well as of the possibility of acting in full accord with conscience. The existence of the system of passports, obligatory not only for those who left the country, but also for peasants and workmen passing from one province to another, the prohibition of changing one's creed—at least for those belonging to the orthodox religion—a strict censorship of books, magazines, and newspapers, the want of liberty of attending mass-meetings, and of addressing collective petitions, entirely confirm this verdict.

We enter now upon a subject which has nothing unfamiliar to a European continental audience, but which is likely to appear very strange in a country trained in the ideas of local autonomy and self-government. The French imperial constitution, followed by Speransky in the working out of his system of ministries, revived, without creating anew, the administrative centralization of the old régime in France. Under Napoleon I. there appeared, veiled beneath new names, old institutions—the council of the empire inheriting the rights of the royal council, the ministers inheriting those of the chief agents of the former autocrat, and the *préfet* and *sous-préfet* inheriting those of the intendant and sous-intendant. The fact of the revival by Napoleon I. of the entire dependence of local life on the direction of some high officials residing in the capital, and receiving their instructions directly from the emperor, has been too well established by Tocqueville to need any further demonstration.

It is this system that the law of 1802, and later on, that of 1811, introduced into Russia, where it is still in force, not-

withstanding the many modifications it underwent during the reign of Alexander II. All the advantages and disadvantages of administrative centralization, so well appreciated in the works of French and English publicists (Tocqueville, Du Pont, White, and John Stuart Mill), reappear in Russia, where the ministers, with the aid of the telegraph, may enforce at the same moment the same regulations at a distance of thousands of miles, and the inhabitants of such and such a locality have to suffer from the want of any adaptation to their real needs of orders given at such a distance. But it is not this side of the question that was taken into account by those who first attacked the system of ministries. They thought it not congenial to the spirit of Russian institutions, forgetting that the system of collegiate boards it was to supersede was, in reality, also of foreign origin.

At the bottom of the opposition which the reform of Speransky provoked in the higher spheres of Russia, we discover, indeed, the stubborn desire to maintain autocracy, which found a certain restriction in the fact that the ministers, according to the plan of Speransky, were to be responsible both collectively and individually. But a collective responsibility is impossible without a unity of political designs and the system of party government which makes the cabinet the representative of the prevailing tendency in the management of public affairs. Speransky very well understood the intrinsic connection of a collectively responsible ministry with the representative system of government. His scheme, as already mentioned, contained the creation of two chambers. He wished, also, to establish a high court of justice to judge the ministers. Neither of these projects became a law. No wonder, therefore, that Russia has been endowed with the system of administrative centralization, deprived of all its constitutional and judicial limits. Ministers are responsible to nobody

but the czar; they are not obliged to follow the same political direction; the czar may choose them from among persons of the most contrary opinions. The ministers being not necessarily of the same political opinions, how is unity of direction to be attained in the sphere of higher administration? In the autocratic empires and kingdoms of the European continent, at a period preceding the great revolution, this unity was created by the fact that all the chief officers were under either a prime minister, such as the Cardinal Richelieu, or the council of state. But there is in Russia no prime minister, and as for the council of state, it is, as has already been seen, rather a legislative than an administrative assembly. The only guarantee of a subject against what Frenchmen, before the revolution, called ministerial despotism is the recourse to the administrative section of the senate. Here a dozen gentlemen, mostly taken from among former governors of provinces, submit to a judicial examination the demand of the plaintiff, and either maintain or reject the measure enforced against him by the minister.

Is it necessary to say that such an application of the system of administrative jurisdiction, a system still flourishing in France, is quite inadequate to insure for Russia the rule of law? Is it likely that this small body of former officials will find the time to scrutinize seriously the great number of demands addressed to them yearly, either by private persons or municipalities, or by provincial and district assemblies? May we expect a scrupulous observance of judicial forms on the part of persons lacking a legal education, and having acquired from their former administrative service a leaning toward the irresponsibility of executive officers? If we add that this high administrative court does not judge by appeal, but in first instance, we shall have no difficulty in coming to the conclusion that in the jurisdiction of the administrative department of the senate, Russians

possess but the germ of the future development of their jurisdiction, *contentieux administratif*.

Although Russian ministers have been appointed from the beginning as executive officials only, they in reality are endowed with certain legislative and judicial functions. Thus the home secretary is intrusted to extend to such and such a province regulations concerning quarantine, and in this way to impose not only on his subordinates, but on private persons, certain restrictions and obligations. It is in the same way that the minister of ways issues orders to which private railroads have to conform, and the minister of public instruction regulates the administrative machinery of private educational establishments. To enforce the execution of their orders, the ministers may impose fines on private persons. The law recognizes their right to issue orders and to interpret existing laws, a fact which alone suffices to show that they exercise some legislative powers which elsewhere, for instance in France, are intrusted to the council of state. It is in accordance with this general rule that the minister of the interior in Russia has the right to make regulations as to the opening of private hospitals or the manner in which artificial waters may be prepared.

A word more on the judicial functions of our ministers. Although the fundamental laws declare that no ministry has the right to settle lawsuits, it is, in fact, the minister of finances who decides in case of the infringement of the custom-house regulations, and the minister of domains in that of an infringement of the regulations concerning matters of rural economy.

We have seen that one of the reasons why the introduction of ministries met a violent opposition, at least in some high official spheres, was that, instead of a collective deliberation of administrative questions by members of the same supreme board, the system of ministries introduced

the right of the minister to decide them by himself. To comply with this demand for collective deliberation, the law of 1811 created in each ministry a so-called "ministers' council." It is composed of persons nominated by the minister himself, and probably, for this reason, remains a practical nonentity. A far greater importance must be attached to committees composed of specialists, like the committee of statistics in the ministry of finances, and the scientific committee in the ministry of public instruction, the latter intrusted, among other things, with examining and approving text-books and manuals to be used in secondary or primary schools. Certain committees, as that of manufacture and trade, contain, besides officials, a number of private experts, nominated by the minister of finances from among the prominent manufacturers and large tradesmen. Some councils, as that of railways, created in 1885, or that of the tariff, are attached not to a single ministry, but to several.

In each ministry, besides the minister, we find at least one assistant, chosen by his chief, but nominated by the emperor. The assistant takes the place of the minister when the latter is absent, and performs the different tasks confided to him by his superior.

As the amount of business to be performed by a single ministry is immense, it is no wonder that it has been distributed among several departments, placed each under a single director and several vice-directors. When no question arises as to the meaning of the law, the decision is generally taken by the department in question and its director. Only in case some difficulties occur in applying the laws and ordinances to the point at issue, is recourse made to the minister himself. Besides the departments, we find in each ministry a secretaryship or a chancery; it deals, as a rule, with matters not attached to a special department or not of a nature to be disclosed to the public.

The number of ministries, which, according to the law of 1802, was limited to eight, has been increased. Some are known by the name of "chief administration;" several have been, if not created, at least remodeled recently, as the ministry of agriculture and imperial domains, which superseded that of domains alone; a few are in the way to be formed, as the department of trade, placed under the direction of a special assistant of the minister of finances. Following is the list of ministries and high administrations: the ministry of foreign affairs, the ministries of the interior, of justice, of finances, of ways, of agriculture, and imperial domains, that of the court and of appanages, appertaining to the imperial family, those of war, of the navy, of public instruction. As to the one corresponding to the French *ministère des cultes*, it is divided between the procurator of the Holy Synod and the minister of the interior. The latter deals with all sects and religions, with the exception of orthodoxy. A special high administration deals with imperial stables. The controller general, to whom all the accounts are submitted, constitutes, together with his subordinate officials, a special ministry. The same is also the case with the high administration of the girls' boarding schools. The Empress Mary, mother of Alexander I., having been placed at the head of these schools, their superior management still bears her name.

So much about ministries and the way in which bureaucracy has possessed itself of the whole administrative machinery of the empire. In the next chapters we shall see to what extent its sphere of action has been restricted by the reforms of Alexander II., and the sort of open warfare into which from this time bureaucracy has entered with the local representative institutions created by that emperor.

CHAPTER VII

THE REFORMS OF ALEXANDER II.—THE EMANCIPATION OF THE SERFS—VILLAGE SELF-GOVERNMENT

The reign of Alexander II. occupies, in the history of Russian local institutions, the same place which that of Alexander I. does, as far as central political organization is concerned. Between these reigns we find that of Nicholas I., a man with the exterior and character of a Prussian colonel. Nicholas acquired, however, the reputation of a thoroughly Russian monarch. His reign began by a violent reaction against those liberal principles in which were rooted the reforms of Alexander I. The chief purpose of Nicholas became, accordingly, to prevent the return of revolutionary movements like those of the 14th of December, 1825. By a scrupulous maintenance of the conservative scheme elaborated at the different congresses brought about by the Holy Alliance, Nicholas I. became the champion of a policy whose chief instigator had been no less a person than Metternich. The three pillars of this policy have always been, in Russia—autocracy, orthodoxy, and that national unity which the rule of the dominant race of grand Russians over the empire means.

Nicholas understood the first of these principles, autocracy, in a quite military way. His power was upheld by a numerous army, excessively disciplined. With the help of provincial general governors, endowed with an authority little less than his own, he ruled over millions of enslaved people. These slaves were distributed among private owners, who, in a body, constituted the nobility, or first order of the empire. Each of them within the limits of his own

estate or manor exercised the rights of a superior police, judicial, and financial officer, the latter in the sense that he was responsible to the crown for the taxes levied on his serfs, although he had no personal imposts to pay on account of his privileges. The nobility of each province constituted a self-governing unit, contributing to the general administration by electing certain police and judicial officers. All-powerful in respect to inferiors, the nobility was deprived of any political rights, and even of that limited amount of independence without which personal freedom and liberty of conscience and opinions cannot exist. An English lady who visited Russia in the first quarter of the nineteenth century, Miss Catherine Wilmot, noticed the fact of the complete annihilation of every nobleman before the supreme power and its recognized agents, by saying that in Moscow there was not a gentleman to be found: every one considered himself greater or lower, according to imperial favor. She very acutely discovered the intimate relation which existed between this voluntary slavery and the system of serfdom. Each of the Russian planters seemed to her a link of the vast chain by which the state was bound. Masters over their own serfs, they were, in her eyes, themselves the serfs of a despot.

An institution called to bring to reason every free thinker, every pupil of the so-called dissolving theories of the West, was the third section of the imperial secretaryship, with its numberless agents in the different provinces of the empire. After a night's search among the private papers of the supposed conspirator, the latter disappeared in some cell of the state prison of SS. Peter and Paul. After a mock trial, before his persecutors, he was condemned to live for many years in some remote quarter of the empire, under the scrutinizing eye of the police; or in case of future offense, to be deprived of all his rights and

sentenced to death or to transportation to Siberia. Exile had been, for a while, the lot of Russia's greatest poet, Poushkin, whose crime consisted in having written liberal verses. As to capital punishment, it was pronounced against a well-known Russian novelist, the author of "Crime and Punishment," Dostoievsky. He was accused of having visited more than once an army officer named Petrashevsky, who dreamed of the system of Fourier and thought of putting it into practice. The author himself has heard the personal account of a Russian poet, Alexis Plescheiev, who was compromised in the same imaginary plot. He told how the offenders were dressed in winding sheets, and then drawn up before a file of soldiers. The rifles were aimed at their breasts, only waiting the word to fire, when a special envoy from the czar stopped the execution. The shock received on this occasion by the great Dostoievsky was so strong that he fell on the spot in a violent attack of epilepsy. This illness tortured him the rest of his life, both in Siberia, where he passed many years in exile, and in Petersburg, where he returned after the accession of Alexander II., to become the editor of an important magazine, and the author of world-renowned novels. These extraordinary methods of maintaining order, however, instead of decreasing in strength, became more and more stringent, especially from the year 1848, when national risings, social and political revolutions, seemed to get the upper hand of all the governments of Europe. Increased taxes were now exacted in Russia from those wishing to go abroad; and many a person was prevented from getting his pass. The most stupid censorship was exercised over, not only political writers, but novelists and poets. The greatest difficulties were at the same time created for the expression of independent ideas from the university chair. Notwithstanding all this, "the superior commandership," to use an expression of Nicholas, address-

ing from his death-bed his son and heir, "was far from being as successful as it ought to be." Russian forces in Sebastopol had to yield, not to the number, but to the better equipment and better management of the English and French. Corruption was at this time general in Russia, both in military and civil service. The possibility of making a fortune by the extortion of bribes appeared as a kind of compensation for the vile submissiveness to the czar's will. The serfs, unable to bear any longer the exactions and the ill-treatment of some of the landlords, were either rebelling or on the way to rebel; and this to such an extent that the dying emperor, who years ago had nominated a commission to study the means of improving their condition, thought necessary to recommend to his heir the entire emancipation of bondmen.

Alexander II. was mindful of these words, and as soon as the Peace of Paris put an end to the Crimean war, he gave himself up entirely to the difficult task of loosening the bonds of serfdom. Already, in the year 1856, whilst receiving the representatives of the Muscovite nobility, during a short stay in the old capital, he pronounced these much-promising words: "The existing mode of owning souls (men) cannot remain unaltered; it is better to abolish serfdom from above than wait for the time when it shall be disturbed from below. I ask you to think on the ways by which this may be brought about."

Penetrated with this idea, the emperor thought of profiting by the festivals given at his coronation to suggest to the upper classes of the nobility assembled the idea of taking an initiative in the reform he had in view; but nobody moved, pretending to be ignorant of the principles on which the reform could be accomplished. In order that they might be elaborated, a private committee was therefore appointed, composed of the president of the council of state, Prince Orloff, the minister of the interior, Lanskoy,

and some other ministers and high officials. Among them we must mention more specially the adjutant-general, Rostovzev, who will have to play a considerable part in the performance of the great act. The emperor himself presided at the first meeting of this commission, on the 3d of January, 1857, and defined the object of its creation by saying that it was to investigate the question of emancipation from all points of view, and to make proposals as to the way of its settlement. The chief difficulty in the question was, from the very first, well expressed in the report of the secretary, Levschin. It consisted in determining what was to become of the land occupied by the serf. Was it to be restored to the manorial lord or to remain in the hands of the peasant? And on what terms, in fee simple or as a leasehold? In the first case, how and by whom was the proprietor to be remunerated for the loss of what he considered to be his own?

Before entering into any details as to the proceedings which ended in the elaboration of the celebrated act of the 19th of February, 1861, let us examine the various solutions which the question above mentioned might have received and, indeed, has received in different countries of the world. The easiest and simplest mode of putting an end to the bonds which kept the peasant in hereditary dependence on the soil he was cultivating, consisted in declaring him free to go where he liked, to "show him the three roads," according to a symbolical expression used in the early part of the Middle Ages. All the enfranchisements granted by such a formula—and they were very numerous in France, in England, and in Germany as late as the eleventh, twelfth, and thirteenth centuries—were necessarily followed by the return to the landlord of the ground previously possessed by the serf. It is in this way that the so-called *désavœux*, or voluntary renouncements on the part of the persons concerned, were, for

the serfs, the first and necessary condition of becoming freemen.

Of course anything increasing the value of the ground, and, in the first place, the growth of population, favored the policy of enfranchisement, since the land proprietors became in this way the gainers in case of exchange of liberty for land. No wonder, therefore, that during the thirteenth century, when Europe, according to recent researches, attained a density of population not surpassed during the three next centuries, personal freedom in exchange for ground, and with a money equivalent for the loss sustained by the serf-owner, became very frequent. The liberated bondman had no choice but to become a sort of customary tenant or copy-holder; he received either the same plot of land or some other from the master who had enfranchised him, and that on condition of an annual rent, either in kind or in money, to be paid during his whole life and perhaps that of his heirs. Such a practice, very common in the second part of the Middle Ages, pointed to another mode of solving the question of emancipation in Russia. Instead of making the liberated serfs into paupers, the state could impose upon the landlords the obligation of keeping them on the soil, not as free proprietors, but as hereditary tenants. The general prevalence of the system of *censives*, plots of land held on condition of paying a fixed rent from generation to generation, both in France and in Poland, where they are still known under the altered name of *chinsh*, was for the Russian government an inducement to try the same system.

But even before the French Revolution, a small country of Europe, the duchy of Savoy, induced by the propaganda of the French economists of the eighteenth century in favor of the system of peasant proprietorship, interfered successfully in the settlement of liberated serfs on the parcels of ground they had occupied before. The Savoy

government regulated the price of these plots which, paid for during a certain number of years entirely by the liberated serfs, were then owned outright by them. And in order to obtain the necessary means for such a redeeming of the land, the peasants were authorized to borrow money, or to sell a part of their commons or undivided lands. The interference of the government went no further. Personal agreement had to fix the amount of the sum to be paid to the land-owner, as well as the rate of percentage he was to exact. The Savoyard reform was introduced in the year 1771, and resulted so happily that French writers of the last quarter of the eighteenth century recommended the application of a like system to France. It is, of course, well known that the French Revolution accepted to a certain extent the same principles, although declaring at the same time that only the so-called real rights, in opposition to personal ones, or rights on the body of the serf, were to be redeemed by the persons concerned—the emancipated peasants. But if such was the theory, the practice was totally different. The confiscation of the estates of noblemen who sided with royalty and the unsworn clergy, and the mass emigration of the landlords and serf-holders, allowed in France the interruption of any payment on the part of the liberated peasants, and that to an extent which permitted the direct transformation of the hereditary holding of the serf into the private property of the small land-owner.

It will not be necessary to go further in this general review of the modes of dealing with serfdom, because Donial has perfectly established the fact that all over the continent of Europe the French model has been more or less slavishly followed in all acts of emancipation. What strikes a student casting a general look over the slow evolution of this question, is the total lack of any general scheme on the part of the state for redeeming the lands of the villeins.

Of course one might notice certain exceptions to this rule, such for instance, as that of Bologna or Florence, which redeemed, in the thirteenth century, out of their own treasury, the so-called *fumanti* and *fideles*, slaves, serfs, and hereditary tenants, established on the lands of the manorial lords. But the extent of territory and the number of persons redeemed was in both cases so limited that they could not serve as models for the extraordinarily vast scheme that had to be worked out in Russia. One may, therefore, be justified in saying that the experience of the past was not generally in favor of the state's advancing the amount of money necessary to buy out both the rights of the landlord and the land occupied by his serf.

Years before the reform of 1861, however, some men had already prepared public opinion for the idea that in Russia no scheme of emancipation could be successful unless the peasant should retain the land he occupied. They had done this to such good purpose that the Emperor Nicholas himself considered—and this time quite rightly—that unless the people continued their hold on the land, the reform was not likely to be successful. And in reality how could it be when, during whole centuries, the people had worked out in perfect simplicity the idea expressed in the well-known saying, "We are yours," *i. e.*, we belong to the noblemen, "but the land is ours." The bad results obtained by the emancipation in the Baltic provinces, where, thanks to a total lack of any plan for redeeming the plots of land owned by former serfs, an agricultural proletariat had been created, were not likely to encourage the views of those who declared themselves favorable only to a personal enfranchisement. Under such conditions no wonder that the task appeared exceedingly difficult, and met opposition on all sides.

The dilemma which presented itself to those who sincerely wished a speedy solving of the question, was that of

creating in an artificial way either a class of men having no land in proper, such as the English laborers, or of overburdening the state with an enormous debt represented by the amount of money advanced for redeeming the land of the serfs. The first perspective was the more alarming because, as we shall see hereafter, the peasants in the time of servitude already owned their land in common. It was, therefore, the opposition of entire villages that the government had to expect in case the soil should return to the nobleman. The second plan appeared rather fantastic, in consideration of the bad state of Russian finances, occasioned by the Crimean war, and the want of any certainty as to the speedy return to the crown of the money advanced for redeeming the peasant's shares. No wonder, therefore, that between these two extremes the government at first thought of choosing the intermediate way of redeeming only the dwelling of the serf with the surrounding orchard and of leaving all further settlement of the land question to private agreement. It was thus that the privy committee received from the minister of the interior, Lanskoy, on the 25th of July, 1857, the offer of granting personal liberty to the serfs without any money equivalent, and of redeeming only their dwellings. This operation was to take place without any interference on the part of the crown; it was to be made by way of yearly payments during a period of ten or fifteen years, the serf becoming free only at the end of that time.

The provincial nobility did not offer to go even as far as Lanskoy in the way of voluntary concessions. The different addresses received in the years 1857 and 1858 by the Emperor Alexander voiced chiefly the desire of proceeding to a personal enfranchisement of the serfs. The first of these addresses was that sent by the nobility of some western provinces of Polish origin, namely, those of Vilna, Covna, and Grodno. The address demanded the

maintenance of all the rights which the landlords possessed over the soil. It was in vain that the government did its best to obtain larger concessions in later addresses forwarded from Nijni-Novgorod, as well as from Petersburg and Moscow. The landlords continued to speak of the inalienable rights of the nobility in regard to manorial estates. These facts are insisted on in order to show that the new direction which the question of emancipation received during the next years proceeded neither from the government nor from assemblies of the nobles. Its origin is to be found in the writings of some thinkers whose private memoirs circulated for a long time in manuscript before being allowed to appear in print. Among them, a professor of legal history at the University of Moscow, Kavelin, was the first to advise the granting to the peasant of the parcels already in his possession. Called by the Grand Duchess Helena to elaborate the plan of emancipation of her serfs, he introduced into his scheme the principle of a two-fold enfranchisement, that of the body and that of the land. His views were shared by a set of young men who by and by became known for their Slavophilic sentiments. Iuri Samarin and the Prince Tcherkasky were foremost among them. They found, in the ranks of the central committee, a man entirely sharing their opinions, and possessing, at the same time, the strength of will, the depth of thought and the talent of persuasion, necessary to win over his colleagues and superiors.

This man was Nicholas Milutine, brother of the future minister of war, one among that small number of Russian officials who really deserve to be called statesmen. Milutine first tried to persuade the minister, Lanskoy, of the necessity of leaving the land in possession of the serfs. It is to his influence chiefly that Russia must attribute the uncompromising attitude which the minister of the interior took in this question, and which, on several occasions,

drew on him some unpleasant remarks from the czar. The second person who needed to be persuaded was the president of the chief committee appointed on the 8th of January, 1858, to examine the different projects concerning emancipation. His name was Rostovzev, and his past was not one to lead to the supposition that he might become a reformer; indeed it was to his denunciation that the revolutionary party known as the "Men of December" attributed the failure of their enterprise. Modern historians pretend that by his behavior as president of the newly appointed commission he wanted to excuse the attitude he had taken in the disclosure of the liberal plot. But however that may be, it is undoubtedly true that Rostovzev did his best to enlarge the field of debate, to make it as free as possible, and to profit as much as he could from the discreet or indiscreet criticisms which the Russian press, both in and out of the empire, addressed to those busy in preparing the reform. In a sort of daily journal which one of the members of the committee kept of its debates, the fact that the president, instead of protesting, was pleased to accept the ideas expressed by the publisher of a well-known revolutionary paper, the *Bell*, which appeared at the same time in London, and had for its chief director the celebrated Herzen, is several times mentioned. It is certainly because of the friendly attitude which the members of the chief committee showed toward the press that papers and magazines, which at first had been prevented from publishing any article concerning emancipation, began to treat it at great length. In the decision of the committee of censorship of the 22d of April, 1858, it had been declared that no article demanding the disappearance of any personal dependence of the serf on the nobleman, so far as this dependence manifested itself by the recognition of his administrative power, was to be included in any periodical. The same rule had to be applied also to papers

demanding that the soil should be left to the peasant on condition of being redeemed.

Notwithstanding all these prescriptions, the majority of the liberal press continued to insist on the necessity of introducing into the proposed reform both principles so energetically condemned. We cannot explain, except by the tacit acquiescence of the chief committee, the freedom with which such opinions were constantly expressed by writers like Tchernishevsky in the popular magazine, the *Contemporary*. The press became in this way the guide and the support of the more advanced members of the committee, and enabled them to contend successfully with the representatives of the reactionary party, who did not wish to grant the peasant anything more than personal liberty. It was an unexpected calamity that at a moment when the work of the committee was almost brought to an end, death carried away the chief man able to defend its principles in the eyes of the czar, as well as in those of a new assembly of local delegates, sent by the nobles of the provinces and charged chiefly with the work of determining the amount of land to be granted to the peasants in the different parts of the empire. When Rostovzev died, and was succeeded by Count Panin, a man of notorious ill-feeling to the reform in preparation, Milutine had to enter into an almost daily conflict with the president, in order to maintain the basis of the elaborated project. The main question was to know what standard should be chosen to determine the extent of land left in possession of the serf.

The committee, under the presidency of Rostovzev, had, however, made up its mind to accord, as a rule, the same lots which had already been cultivated for his own sake by the peasant. But taking into consideration the fact that certain manorial lords gave up to their serfs, for a fixed rent, all the land on their estate, it was thought advisable to establish two standards, a larger and a smaller one.

From the moment when Panin took the president's chair, the claims presented by the provincial deputies against such a decision obtained a favorable hearing. The reactionary party succeeded in passing a proposal according to which a nobleman ready to renounce any remuneration for his ground could insist on the serf's accepting only the fourth part of the land he had occupied. New concessions were to be made to the reactionary party on the question of waste and forest lands in which no part was given to the peasants, notwithstanding that in the time of servitude these lands constituted a part of his commons. Another grave blunder consisted in raising the amount of payments exacted from the serf by the crown for the redeeming of the ground. In a recent open letter to the czar, Count Leo Tolstoy rightly insists on the fact that the money equivalent advanced has been already entirely paid out by the peasant, so that simple equity requires that an end be put to any further demands of this sort.

But whilst recognizing these defects in the scheme worked out by the committee, and accepted, almost without opposition, by the council of state, under the presidency of the Grand Duke Constantine, one must set forth as well the successful features of the reform. Among them, the first in order is that of having maintained, in full conformity with the past, the system of common ownership in land, once known to England under the name of "village community system." The author applauds this really conservative measure the more since he is, on principle, against any sudden and uniform change in the modes of land tenure. Recent experience has proved that in Russia a genuine development is going on in this sphere, whilst in certain provinces the system of periodical redistributions becomes from day to day more obsolete; new territories begin to accept it, and put in this way an end to the older method of occupying virgin soil by direct and unlimited

appropriation, which is not to be maintained side by side with a rapidly increasing number of inhabitants. The law of the 19th of February, 1861, has also adopted a measure which permits a natural dissolution of the village community through peasants' redeeming their shares at once by anticipated payments. They acquire in this manner an unlimited property right in them. Another issue of the same kind has also been kept in view, that of the village assembly's deciding, by a majority of two-thirds, the definite passage from collective to private ownership. Only recently, under the reign of Alexander III., measures were taken interfering with this growing tendency to individualism, to maintain the principle by which the state remains the chief owner of the soil. According to the new laws, passed under the direct influence of M. Pobedonoszev, and an indirect result of the theories of Leplay, shared by him, even a redeemed soil can be the object of hereditary tenure only on the part of the peasant.

It is not certain that among the successful arrangements of the law of the 19th of February, one can place the mode in which the self-government of the commune has been established. The fact that the manorial lord has been excluded from the village meetings may be easily accounted for, if we consider the difficulty, or rather, the impossibility of uniting in the same institution two elements which are necessarily hostile, for at least the next generation, and which certainly could not meet at any time on equal terms. But the fact in itself had, nevertheless, the bad result of turning the commune into a sort of class institution. It is not to be compared, therefore, either with the French one or with the Anglo-American parish, the more so as the parish-priest himself is not considered in Russia to be a member of the village assembly. The bulk of the persons taking part in the local self-government are sharers in the common lands. To use a German expression, the Russian

village community corresponds to the *bürger-gemeinde*, and not to the *politische gemeinde*, that one in which sharers and non-sharers in periodical redistributions possess an equal right to vote. The village community as such, is composed of all the grown-up members of families who not only reside within the commune, but who own parcels of common land. New settlers and persons corresponding to the class of people known in Switzerland as *beisaszen*, or *domicilies* and *manants*, are in this way excluded from the right of voting. Of course, as long as they remain in minority, the village commune may maintain its democratic character, but we can already foresee the time when, just as it happened in Germany and Switzerland, the families of old settlers will become a kind of oligarchy, unless the legislature takes measures to divide the functions of communal self-government by creating, side by side with the commune of shareholders, another one open to all the inhabitants of the village, beginning with the private owners and leaseholders and ending with simple laborers or agricultural proletarians.

It must be said, however, that the necessity of such a reform has been already recognized by the members of the collective provincial assemblies, of which we shall hear later on. More than one of them has expressed the desire to have, besides the existing commune, which is a sort of economical unit, a larger body with the character of an administrative unit. Such was the case of the executive assemblies nominated by the provincial councils of the governments of Moscow, Vologda, and Smolensk, in the beginning of the reign of Alexander III. And it is more or less in the same sense that the provincial council of Novgorod expresses the desire to see the lower grade of local self-government based on the principle of a general representation of all the classes of society, and not of shareholders in common lands alone.

In the existing system, the commune being a class institution, the village alderman, the executive officer of the meetings of share-holders, or *mir*, is to be chosen only from among them. His power, nevertheless, as far as the collecting of dues and the executing of police orders are concerned, is to be recognized by all the inhabitants with the single exception of the landed squires. It would, of course, be more congenial to equity and political justice to have this officer nominated by all those interested in the management of local affairs.

The village meeting, with the elected aldermen, constitutes only the lower grade of peasant self-government. Above the *mir* we find a superior administrative unit, called the *volost*. It is generally composed of a union of several villages, unless one village is large enough to constitute by itself such a unit. In this case the several parishes appear as its subdivisions, equal in rights and duties. The *volost*, like the *mir*, is a class institution; neither noblemen nor ecclesiastics, artificers nor merchants, can look to it for any measure concerning their local interests. For, contrary to the village community or *mir*, which had its separate existence even in the ages of serfdom, the *volost*, as far as the thing itself and not the name alone is concerned, is of recent origin. We find it existing on the lands occupied by the serfs of the crown in the time of Nicholas; and it is in imitation of what was going on in the imperial domains that the present system has been established. The *volost*, although a class institution, is, however, called to play an important part in the exercise of administrative and judicial duties—a reason which explains the desire expressed by more than one provincial assembly to have it reformed in order to make of it the representative of the most different classes of Russian society. A great difficulty lying in the way of such a reform seems to be this: the *volost*, in the person of elected judges, forms a sort of class tribunal in

civil matters exclusively concerning the peasants. Their trials are to be decided, not in conformity with the law, but according to local custom, of which the elected judges are the interpreters.

It is probable that of all the European states Russia is the only one which still preserves the dualistic system of trying civil suits according to law or according to custom, in case the suitors belong either to the middle and higher classes of society, or to the peasantry. This dualism becomes the stranger because both legal systems have in fact the same origin. Contrary to other nations of Europe, Russia has experienced only to a very small degree the influence of Roman or any foreign law. Under such conditions its written, as well as its unwritten, legislation, has grown out of its old custom, which at different periods found an incomplete expression in those legal codes which, beginning with the *pravda* of Yaroslav, a sort of *lex barbarorum*, published as early as the eleventh century, and the statutes of Lithuania, of the fourteenth and fifteenth centuries, have prepared the materials for modern codification. Several precepts of these old and more or less genuine codes are still retained by custom, partly in Great Russia, and to a larger extent in Little Russia and the Ukraine, which almost to the second half of the eighteenth century were ruled by custom. Now it is a difficult matter to determine how far the judgments of the peasant arbitrators are dictated by the remembrance of these old legal precepts, or by their own sense of justice and their incomplete knowledge of existing laws, or lastly, by the immoral rather than moral influences of friendship, affinity, fear of superiors, direct bribery, etc. Persons well acquainted with the daily life of Russian peasantry are inclined to think that the greater part of the suits have been settled according to the wish of the court clerk, oftentimes the only person able to give them a written form.

The most natural thing, in order to find a way out of this chaos of contradictory decisions, would seem to be a preparation, if not for each province, at least for each region, such as Great or Little or White Russia, of a sort of legal compilation, like those *codes ruraux* so much spoken of in France under the second empire; but nothing of this sort is known to exist, and those most interested in the study of legal customs seem to believe that from the contradictory, and very often quite arbitrary, judgments of the *volost* courts may be deducted the legal principles of peasant law. The author, however, is far from sharing such an optimism. But he does believe that no order can be introduced in the deciding of peasant suits except by way of a general codification of laws, as well as of customs, so far as the last find their expression in old legal documents and old judicial decisions still preserved in our archives and not yet sufficiently studied. Many years ago a commission, in which there were more high officials than scholars, was nominated in order to prepare the text of a new civil code to be applied in all courts, with the exception of the peasant ones. All existing codes had been translated to help the members of the commission in writing the new one. No one had the idea of calling their attention to the necessity of seeking their inspiration in the study of customary law. Nobody took the trouble to compose a sort of private compilation of customs still in use, province by province, and region by region, as had already been done for certain parts of France. It is only after long years of such preparatory work that a general code for use in all courts of the empire is likely to be elaborated. The author would wish that such a code might be preceded by the publication of special codes, destined for such and such a region. For, in matters of real property and succession, the difference between provinces where common ownership in land still prevails, and those in which it

becomes more and more abnormal, is too great to allow of a general legislation, although such general legislation is easier to be arrived at in matters of contract. In all matters, however, the principle according to which in case of conflict the preference ought to be given to a general custom over a general law and to a local custom over a general custom, should be one which allows the preservation of the genuine features of the legal system proper to such and such a village or union of villages.

Russia, however, in regard to her present methods of village tribunals, is still far removed from a system that spells order. And the author stands in no fear of exaggeration when he says that one of the two great defects in the reform of the 19th of February, 1861, is the arbitrary power granted to the elective peasant judges. This power permitted the invention and the application of legal rules by judges often illiterate, sometimes unscrupulous, and ready, according to a common accusation, to sell justice for a bottle of spirits. The other defect of village self-government is the system of mutual responsibility in matters of taxation. Of course such responsibility is likely to be of great help to the government, as far as the levy of imposts is concerned, but it introduces at the same time a quite arbitrary method of collecting the dues. The chief sufferers seem to be neither the richer class of peasants nor the poorer ones. The first may very often diminish their responsibility by bribing the collectors; the second have nothing to give, but as they possess the right to vote, they deserve some attention on the part of chosen officers, such as the collectors. No wonder, then, that, according to an inquiry recently made by the government, moderate fortunes are the first to answer for the non-payers. One can judge for one's self how far such a system is prejudicial to the growth of peasant welfare. More than once economists and, as a rule, all those well informed as to the

material conditions of our people, have indicated the necessity of abolishing this system made for other ages. Quite recently Count Tolstoy, in his petition to the czar, spoke of it as of one of the grossest abuses, and one to be done away with as soon as possible. But so long as the timely collection of taxes is the chief preoccupation of those who administer Russian finances, it appears useless to think that the government will take the necessary measures to accomplish such a demand.

The general conclusion at which we arrive by an analysis of the system of peasant self-government created by the law of the 19th of February, is of a composite character; good and evil are so intrinsically interwoven in the self-government of the commune that it deserves as much praise as criticism. It will not seem unfair to say that the intentions of those who created it were better than the results obtained; but the evil is not of such a kind that new reforms might not have the best of it. Let us look forward to them in the hope that they will better serve the ideals of social justice and personal liberty.

CHAPTER VIII

THE REFORMS OF ALEXANDER II.—LOCAL SELF-GOVERNMENT: PROVINCIAL, DISTRICT, MUNICIPAL

The emancipation of the serfs introduced into the social structure of Russia such a profound change that it became impossible to maintain the existing system of provincial administration, according to which a single order, the nobility, had to co-operate with the government in the management of local affairs and the decision of civil and criminal suits. From the moment when all classes were admitted equally to the acquisition of the soil, all difference between the so-called inhabited and uninhabited estates—those occupied by serfs and those free of them—disappeared, and a new social division was formed, the landowners. Composed of the most heterogeneous elements—former lords of manors, liberated serfs, holding land either in private or in common, the capitalist, merchant, or artisan, who had bought the whole or a part of some manorial estate—this class of people, according to ideas which became familiar in Europe as early as the time of the physiocrats, was thought, by implication, to be interested in the good management of provincial affairs, and therefore, were called to an almost exclusive part in matters of economical self-government. It is not necessary to criticise here the recently prevailing theory that the classes deprived of the ownership of land were indifferent to the well-being of the province. It has been fortunately more or less abandoned in the last quarter of the nineteenth century, though it still holds its ground, so far as the composition of provincial assemblies is concerned, in the diverse coun-

tries of Europe. No wonder that this theory was held to be a truism in Russia in the years following the emancipation, and opinions were divided only on the question how it was to be put into practice in order to give to the peasants, as well as to the nobles, a distinct and unequal share in local self-government.

This purpose was necessarily in contradiction with the idea of provincial representation based on the principle of landed property. No wonder that certain persons, considering themselves liberals, were opposed to the idea of according special delegates to each of the historically constituted orders. But practical considerations made it doubtful whether in a general assembly of land-owners one of the two classes, the previous masters and the former serfs, would not be sacrificed to the feeling of material dependence, or to the rancor arising from unforgotten wrongs. It is not at all certain that the creators of the law of 1864, to which Russia is indebted for both district and provincial assemblies, were badly inspired in creating, side by side with elective bodies, composed of private owners of land, those of members of village communities, and those of house or land proprietors in town districts. The majority of the council of state declared itself in favor of such a division. Its utility could be admitted as long as the work of emancipation had not been happily brought to an end. The fact alone that some of the peasants, taking advantage of the law of the 19th of February, continued to cultivate the lands of their former lords, gaining by such a practice, if prolonged during a certain number of years, the right of property in their parcels, suffices to show the difficulty of uniting both parties in the same elective assembly. But now that the transitory stage from serfdom to liberty is already past, and that the nobleman has been, at least partly, superseded by some foreign intruder who has bought up the lands of his estate, and

that in the ranks of the communistic peasants the process of social differentiation has produced the establishment, side by side, of private owners with proletarians, are we not authorized to think that the time is come to remodel the system of local representation on the basis of social equality?

Of course such a reform cannot be brought about before the creation of the political commune, or *volost*, in which all inhabitants, without distinction of classes, would share. This commune alone can constitute the territorial unit for elections to the district and provincial assemblies. As long as on the lower step of the ladder we have a class self-government only, that of the peasants, our landed squires will always be put to the necessity of assembling separately, in order to nominate their representatives to the district and provincial councils.

Although public opinion, so far as it is expressed by the press and the petitions addressed by our provincial representative bodies, pronounces itself more and more in favor of such a double reform, the government, beginning with the reign of Alexander III., tends to return to former class divisions. Thus, according to the law of 1890, the nobles, hereditary or personal, form a separate assembly and nominate their own delegates. The same is to be said of the city electors. As to the peasants, they choose their deputies at the meetings of the *volost*. According to the new law, which on more than one point has contradicted the measures taken by that of 1864, the elective franchise has been granted to noblemen possessing a certain amount of land which may differ as to extent in different regions, and in proportion to the density of their population, but which must be valued at not less than fifteen thousand rubles. The real estate may consist of land or of an industrial establishment estimated to be worth no less than fifteen thousand rubles. Those landed proprietors who have only a tenth part of the real property required

by law, possess only the right of nominating a number of electors ten times inferior to their own. The list of the candidates nominated by the peasants, in a number twice superior to that of the delegates, is presented to the governor, who, out of two candidates chosen by the same *volost*, nominates one.

As to the citizens, those owning land or industrial establishments in the country to the extent and value required by the law constitute a separate elective assembly, different from that of the nobles, and also from that of the peasants. Contrary to the law of 1864, however, each assembly can nominate delegates only from among members of its order. Mention should be made of two other facts which might attract attention for quite unlike reasons. The first is, that the clergy is permitted, on the gratuitous supposition that it has no economical interest, no nominees in the district assemblies. The second is, that women who possess land or industrial establishments to the amount required by law are admitted to exercise the franchise through the agency of a male relation. And this same interference of a third person is required in case some one enjoying the franchise has not attained his twenty-fifth year. The elective assemblies cannot last more than two days. The name of each of the members present is to be balloted. The nominations, however, are made for a period of three years.

Let us pass now to the constitution, both of the district and provincial assemblies. Besides the delegates already named, the district assembly includes representatives of two ministries, that of the domains and that of the appanages, at least in case both kinds of estates are known to exist in the district. The Episcopal See may, if it thinks fit, have its own nominee in the ranks of the assembly. The mayor of the principal district town is empowered to consider himself a member and to enjoy a vote at the

deliberations. The same may be said of the members of the executive commission, nominated, as we shall see hereafter, by the district assembly, and having its own president.

As to the provincial council, it is composed of persons chosen by the district assemblies from the number of delegates taking part in their meetings. Then, too, all the district marshals of the nobility, the directors of the boards of domains and appanages, a nominee of the Episcopal See, and the members of the executive commission have a share in this meeting. At the time when the whole system of local self-government was created, the question as to who should preside at the district and provincial meetings was warmly debated in the council of state. The most advanced opinion was that to the assemblies themselves should be given the right of electing their presidents. This opinion, however, found no hearing among the members of the majority. Grand dukes and high officials thought it dangerous for the principle of autocracy, and declared themselves in favor of a direct nomination. The plan that prevailed was to intrust these difficult and responsible posts to the marshals of the nobility, district and provincial. In this way the nobility, which had already the right of nominating a third part of the delegates, saw its position strengthened, thanks to the casting vote of the president. The members of both assemblies, district and provincial, receive no remuneration, and nevertheless are obliged to attend the meetings under penalty of paying a fine of thirty-eight dollars—a fine to be imposed each time by the decision of two-thirds of the members present. One can see from what has been said that the law favors the richer class, and more especially the nobility, in regard to the composition of assemblies. No wonder, therefore, that statistics show the presence among the nominees of four-fifths of the higher order. The data quoted belong to the

years 1885 and 1886, and there are none more recent. The district and provincial assemblies meet regularly once a year, but besides that, extraordinary sessions may be convoked by the home secretary or minister of the interior, to discuss certain definite questions. The meetings last twenty days if provincial, and only half that time if district. The governor of the province opens and closes the provincial sittings, but in the district ones, the place of the governor is taken by the local marshal of the nobility. The quorum is regularly composed of half of all the members. The decisions are taken by a mere majority of votes, and the president has a casting vote.

The law of 1864 created a sort of executive commission, both in the district and in the province. This commission is very like the *directoire exécutif des départements*, brought into existence by the revolutionary laws of France, beginning with that of 1791. The third republic, after an interruption of three-quarters of a century, revived the institution under another name, and it has been said that, among other models, the modern French legislator had also in view the provincial and district boards of Russia. These boards, known each under the name of *zemskaia ouprava*, are chosen at the district and provincial meetings, and unlike the delegates to these meetings, receive a regular pay. The persons to be nominated must possess elective franchise. The governor of the province confirms or rejects the nomination, both of the president and of the other members of the *ouprava*.

Now that we have seen the organization of the district and provincial self-government, let us ask what purpose it serves. It must be remembered that Anglo-American ideas as to the real nature of elective officers and bodies in the management of state affairs have penetrated the public opinion of the European continent slowly and imperfectly. The idea of intrusting the people's nominees with the

accomplishment of official duties, such as police and judicial functions—an idea that plainly appears in the election of coroners, constables, justices of peace, and police magistrates in America and in England—remained more or less foreign to the juridical minds of those who, in France as well as in Germany, tried to oppose to the system of administrative centralization that of local self-government. Their theory was that only the care of economical interests proper to the commune, to the district, and the province, was to be confided to elective councils and nominees of the people.

In this way a sort of dualism has been introduced into the machinery of local administration. To give an instance of what is meant it will suffice to recall the fact that in France, under the different régimes of the nineteenth century, the province and the district were ruled at the same time by two different kinds of officials and bodies: public ones, the prefect and the council of prefecture, and elective, the *conseil général du département* and its executive commission. The first had to perform the various functions of public authority, the second to occupy themselves with the economical interests of the *département*. And in the district we find the same elements in the person of the ministerial nominee—the *sous-préfet* and the elective *conseil d'arrondissement*. Although the Russian word used to express the idea of self-government is the strict translation of the English term, the persons who first introduced it into the empire apparently identified its ends with those attributed to it on the continent, and more especially in France; therefore they limited the functions of the district and provincial assemblies and their commissions to the care of economical interests. It is only lately that the real nature of Anglo-American self-government has been disclosed to the eyes of continental publicists, by the classical work of Gneist. His ideas, penetrating into Russia, have

served to criticise the existing system of its provincial institutions. So far, however, this new tendency has been unable to alter the mind of the legislator. For, instead of enlarging the sphere of functions intrusted to our local assemblies, instead of calling them to the performance of public offices, it has only decreased their autonomy and strengthened the official control to which these assemblies are subject. This is not likely to astonish any one who, like the author, finds a difficulty in conciliating autocracy with self-government. It is the author's opinion, however, that the thirty years' experience of the local representative institutions may serve to confirm the truth that provincial self-government is not likely to progress much unless it be crowned by the creation of a central self-governing body, and that autocratic bureaucracy will long endure the paralyzing influence of local representation, wishing to maintain its independence, and to pursue other ends than those of the central government.

To illustrate what is meant, let us look at that much discussed question of the limits to be put to the right of local taxation exercised by the provincial and district assemblies. As the greater part of the dues imposed by them are spent in the quartering of the army, or in some other expenses incurred in the service of the state, very little is left for the making of new roads or the keeping up of those already existing, for the opening of new schools or new hospitals, and the like. To obtain the necessary means for the development of all these institutions, the provincial and district councils have always insisted, and do insist, on their right to increase local taxation, to levy it, not only on the income derived from landed property, but also on capital, industry, and trade. The government, having the right to prevent the execution of decisions taken by the elective assemblies, either through the agency of the governor of the province, or of that of the home secre-

tary, has always profited by it to oppose any plan of increasing the expenditure of self-governing bodies. Now, however, the government wants to take another step in the same direction by limiting the right of self-imposition to a certain percentage of the amount of general taxes paid by the province. The minister of finances has already met with difficulties in the collecting of imposts, and so does his best to attain this end. To render it possible, he would like to discharge the assemblies from the expenses they incur in opening public schools. But this cannot be achieved unless the difficult task of enlightening the peasantry is given over to the clergy. No wonder that Mr. Witte is the direct supporter of Mr. Pobedonoszev, the procurator of the Holy Synod, who wishes to endow Russia with clerical schools, the harm of which Russians experienced in the days of serfdom. They would be the more hurtful in Russia, because the parish priests, too busy to become schoolmasters themselves, would probably intrust the whole work of teaching to the inexperienced zeal of some subordinate acolyte.

But to return to the functions of the local assemblies. These assemblies possess the right of making by-laws—a right which, as the reader is well aware, has been always enjoyed by self-governing bodies, both in England and in America. In the year 1864, when the basis of the now-existing system was first laid, the right of issuing administrative orders, although insisted upon by some members of the committee which elaborated the law, was rejected by the minister of the interior, under the pretense that neither theory nor practice gives any distinct rules with regard to this regulating power. It is only in later years, therefore, that the right of making by-laws has been granted to the Russian self-governing bodies, and first of all to municipal assemblies. In the year 1873 the provincial assemblies were endowed with the right of taking

measures to prevent fires. From this time their right of making by-laws has been extended; they can, nowadays, make regulations concerning public health, the nourishment of the people, the preserving of order at markets and fairs, the keeping up of roads, harbors, and so forth. All these rules may be adopted, either by the executive commission or by the general assembly; but they can have no force of law unless confirmed by the governor of the province. The governor gives his approbation after taking the advice of a new board, created by the law of 1890, and composed chiefly of government officials. Later we shall consider the way in which it is composed. The approval of the governor is also required, although in another form, in case of any economic measure adopted by the provincial or district assemblies. The less important measures could not be considered as having any force before the end of fifteen days from the moment of their issue. During this time the governor was empowered to revoke them.

The period beginning with the first attempts against the life of the Czar Alexander II. cannot be considered as favorable to the further development of Russian local liberties. The government began to look more and more suspiciously on any endeavor of the elective bodies to increase their activity or to combine their efforts. It will suffice to mention the number of rejected petitions issuing from the elective provincial assemblies to form an idea in the reader's mind of the distrust with which these assemblies were regarded in high spheres. From 1865 to 1884, 2,623 documents of this description were presented to the government. Of these, 1,354, or 52 per cent, were rejected or left without reply, and as time passed, the number of negative answers, instead of diminishing, was constantly on an increase, at least until the year 1880. The government systematically opposed itself to the diminution

of the amount of taxation required for the enjoyment of the franchise, to the permission to be granted to the representatives of several provincial assemblies to work out at a meeting general measures against epidemics, or in order to combine their endeavors in questions of economical policy. The demands of the assemblies for greater liberty in publishing their debates had the same negative result. Nor were these bodies allowed to introduce the principle of general obligatory instruction, on which more than one provincial assembly had insisted in the years 1866 to 1872. From 1873 the government preferred to give no answer to any petition of this sort, a fact which did not prevent the increase of petitions in the years preceding the death of the Emperor Alexander II. The demand, also, to allow the schoolmasters of different provinces to unite in a congress in order to work out some general schemes of teaching, met with the same refusal, this time under the pretense that, on account of the low level of instruction among these schoolmasters, their meeting could have only bad results, both pedagogic and political. More successful, however, were the numerous demands for the abolishing of the impost on salt. Whilst taking a measure in this direction, the government, in the last years of Alexander II., was no doubt influenced by the expression of such desires.

Any impartial observer of the activity of the local assemblies will certainly recognize that nothing in their behavior can authorize the suspicion that they desired to disobey the prohibition against addressing political demands to the government. It would be ridiculous to speak of their unconciliating and even revolutionary attitude. Nevertheless, the government of Alexander III., treated them as if they were more or less directly implicated in a supposed conspiracy against the existing political order. According to the law of 1864, the governor of the province and the minister of the interior were authorized, as we have seen,

to oppose the execution of any measure voted by the assembly during a certain period, not exceeding seven days for the governor, and an interval of two sessions for the minister. In making their veto, both officials were obliged to give their reasons. An appeal could, however, be made by the assembly to the administrative department of the senate, considered to be the proper judge of such differences. These measures of control seemed to be insufficient to the reactionary party, which got the upper hand in the reign of Alexander III. It thought of no less a measure than the submission to a newly created body of government officials, and in the last instance, to the minister of the interior, of the settlement of all disputes arising between the governor of a province and its elective assembly. This measure meant nothing less than the suppression of all judicial guarantees and the reduction of the self-governing bodies to the rank of subordinate agents.

Fortunately, however, the council of state, in which a few statesmen of the time of Alexander II. were still present, did not wish to go so far. The judicial control of the senate was maintained in all those cases in which the decision of the governor was held by the assembly to be illegal. As to the rest, the final settlement of the question at issue was intrusted, not to a single minister—the home secretary—but to the committee of ministers. At the same time, however, a special commission was created, composed of the vice-governor and two other government officials, who were to sit side by side with the provincial marshal of the nobility and two members belonging to the elective provincial bodies. This new institution was called to advise the governor whenever he did not wish to use, on his own responsibility, his power of veto. In case the governor should not accept the decision of the majority of the above-mentioned persons, he could apply to the minister of the interior, who, after consulting other ministers, would defi-

nitely settle the question. Only when the opposition of the governor is founded on the supposed illegality of the measure taken by the assembly, however, is the senate authorized to say the last word.

One can easily see from what has been said that the activity of Russian local self-governing bodies has been reduced to a great extent. And there can be little wonder if, in our days, we hear but little enthusiasm in the acceptance by the most enlightened party of the local gentry of the unpaid, modest service in the ranks of district or provincial delegates. The frequent complaints as to the absenteeism of the wealthier class of Russian landed squires are certainly well founded, but we cannot wonder at it when we think that not in communal nor in district nor provincial affairs is this class of people permitted to exercise any real influence. We have already seen that the self-government of the village and of the *volost* is limited only to one class of people—the peasantry—and we have just shown that in district and provincial administration the part of elective bodies is becoming more and more a secondary one. Under the reign of Alexander II., landed squires were pleased to perform the duties of justices of the peace, but this institution from the time of Alexander's immediate successor has been maintained only in cities. It is true that, instead of these justices, a new kind of magistrate has been created—the so-called *zemski nachalnik*—combining executive and judicial duties; this gentleman, as a rule a member of the nobility, enjoys discretionary power within the limits of a *volost*. He is authorized not only to attend, but also to confirm or to veto the decisions of its general assembly, and likewise to inflict corporal punishment on peasants who fail in making regular payments of their state dues. That the greater number of the local squires show no desire to fill such an office, although it is well paid and considered to

open to those who have accepted it a brilliant career in the ranks of the home service, is, therefore, not surprising.

Notwithstanding all the causes that prevent a happy development of Russian local self-government, the service already rendered by it toward the bettering of social conditions is not to be despised. With very limited means the elective bodies have done much in creating and enlarging the system of public schools, and if in certain provinces, such as Moscow, three-quarters or even four-fifths of the young generation are no longer illiterate, it is to the *zemstvo* (the name by which these self-governing bodies are known) that the service is owed. The same institutions have also rendered a real service to the central government by a careful study of local statistics. One may say that in this respect Russia is not behind any other European power, although the necessity of creating and maintaining a body of persons sufficiently prepared for such a work has required a great many sacrifices. If the *zemstvos* have not rendered the same services, so far as the development of the system of highways or the creation of village hospitals is concerned, the reason is to be found in the immensity of the area covered by the provinces and the exiguity of their budget. Another service rendered by the elective bodies was the creation by them of the system of obligatory insurance for damages caused by fire, a matter of great importance in a country where the houses of the peasants are built of wood and thatched with straw. What has been said on the subject of local self-government may be closed with the remark that it well deserves the confidence of the people, and may, in future days, under a more liberal policy, become an important factor in the material and moral improvement of Russia.

Public opinion has been, during these last years, so much excited by the different rumors circulating as to the desire of the government to limit the sphere of action of

the provincial and district councils, that the law of the 12th of June, 1900, which gave an incomplete consistency to these reports, has not provoked all the discontent it was likely to produce. The council of state, whilst accepting the demands of the minister of finances as to the putting of legal restrictions to the right of self-imposition accorded to our local assemblies, at the same time protested strongly against any idea of annihilating them. The chief prescription of the new law is, that provincial and district councils are deprived of the right of taxing real property anew more than three per cent a year. At the same time these assemblies have been deprived of the right of taking measures in order to insure the nourishment of the people in time of famine. The last regulation has a temporary character, a new law having to provide for the whole of this branch of interior administration. Side by side with these restrictions, the law of the 12th of June contains, in most solemn declaration, the statement that the council of state has not the slightest desire to create a greater centralization in the management of the economical interests of Russian provinces and districts. Let us take this for granted, and express the belief that by authorizing the local assemblies to tax movable goods and capital, according to their long-expressed desire, the government will lessen in the future the harm which the new law has done to the annual budget of the Russian *zemstvos*, and therefore indirectly to their financial ability to improve the different branches of administration.

In concluding the short sketch of the Russian local self-government which is given in these pages, the author wishes to call attention to the way in which the economical interests of Russian cities and boroughs are managed by elective deliberating assemblies and boards. The relative autonomy of the Russian municipalities has had not more than thirty years' existence. Although, as has been seen,

Catherine II. granted a special charter to the Russian cities and boroughs, as early as 1785, an act by which two sorts of councils were created, the general *douma* and the *six voters' douma*, a kind of executive commission, the fear of a "French" revolution, and more especially of terrible deeds similar to those which characterized the Parisian commune of 1793, induced Paul I. to put an end to the existence of the newly created municipalities. Although re-established by Alexander I., they were soon placed under such a strict supervision of the governors of provinces and of the different boards, beginning with the provincial council and the board of domains, and ending with the board of buildings, that in reality the general municipal council almost ceased its meetings. The administrative work connected with the management of the economical interests of the city was regularly performed by the executive commission only—the so-called *six voters' douma.*

The need of greater independence in matters of municipal economy was felt most intensely by the larger cities, and above all, by the capital. Therefore, as early as 1846, a new law was enacted, according to which all classes of inhabitants possessing landed property or paying taxes to the state were equally empowered to elect delegates to the general *douma.* In this way not only tax-payers, such as merchants and artisans, but privileged persons owning land in the city, such as noblemen, public officials, and members of the clergy, were empowered to take part in municipal self-government. In order to make sure of the nobles' attendance in the electoral assemblies, the new law recognized their right to hold a special meeting at which their delegates could be nominated. The general *douma* of the capital included six hundred members; its executive commission, composed of its own nominees, received the name of the disposing council, or *douma.* The reform was strictly limited to Petersburg, but nevertheless it deserves our

attention, because its principles, as well as the criticisms which it incurred, have been of great use in the elaborating of the general system of municipal self-government still in force.

This system was created by the law of 1870. Like other reforms which characterized the reign of Alexander II., the municipal law of 1870 was the work of a special commission, composed of statesmen and lawyers, and presided over by a very able man, Schumacher, the director of the department of public economy in the home ministry. The circles most directly interested in the passing of the new law were not summoned to send delegates, as had been the case at the passing of the law emancipating the serfs; but the existing city boards were authorized to forward their criticisms of the new project. It is to be regretted by Russians that due attention has not always been paid to these criticisms. A point of the greatest importance was to know which classes should be entitled to carry on the self-government of the city. Catherine II., imbued as she was with the ideas of a so-called enlightened philosophy, declared herself against the disqualifying of persons who, not answering the requirements of the franchise, could nevertheless, because of their accomplishments, be of great use in the management of city affairs. We find, therefore, in the charter of 1785, a clause in favor of the liberal professions: persons holding university degrees, architects, painters, sculptors, and musical composers were as such entitled to a vote. In later years, when the municipal statute for Petersburg had been worked out by the future author of the general scheme of the law of emancipation, Nicholas Milutine, artists and graduates were put aside, for the sensible reason, as it appears, that the management of economical interests is better understood by tax-payers and freeholders.

But a more important question arose before the eyes of

the legislators in 1870. It was to know whether householders, as well as tenants, were to enjoy the franchise. For in small towns, which sometimes have a population less than that of a neighboring village, the possession of some small and distant house, the rent of which is not one hundred rubles a year, gives the right of voting, whilst in the same town the payment of a tenant, although exceeding five times that sum, does not entitle him to a like advantage. More than one municipal administration was conscious of the gross injustice and the great harm which such a state of things would necessarily work in the Russian cities and boroughs. Their criticisms of the new law were directed to this reform: that all persons, whatever might be their capacity, should enjoy the privilege of the franchise. Many legislators would have liked even to see graduates liberated from any restrictions. And some insisted on the necessity of granting to the municipal bodies themselves the right to confer the franchise on whom they pleased; but the main question of the admission of tenants and rent-payers was left in oblivion, not, however, without a hidden thought of retaining the chief authority in city affairs in the hands of the commercial class. A person whose activity during long years had been employed in the service of the municipality of Moscow told the author that his endeavors to introduce at a later period a city taxation on tenancies, in order to recognize the right of voting for all those who had to pay it, met with a refusal on the part of the majority of the Moscow city council. No wonder, therefore, that the idea of enlarging the conditions of franchise by granting it to householders came, not so much from municipal administrations, as from certain officers of the home ministry who had to debate the scheme of the new law. The well-known Russian statistical authority, Mr. P. Semenov, vainly insisted at great length on the advantages of granting to house tenants the franchise

enjoyed by tax-payers and land proprietors in the city; and he showed clearly that in this way the educated class of the population would share in municipal self-government. But his endeavors had no effect; and the law of 1870 gave the franchise to proprietors and tax-payers alone.

In each city this class was to constitute three different assemblies: first, those who had to pay the largest amount of taxes, and last, those who had to pay the least. The executive commission of the city council fixed the limits for each class. These three assemblies were to nominate an equal number of deputies. This system, however, being found obnoxious, a new law, that of 1892, introduced territorial divisions, and created in each of them a separate electoral assembly. A strange clause of the new law, which is said to be not always applied, insists on the nomination by each assembly of persons who live only within the limits of the territorial division. Professor Korkounov, whilst criticising such a rule, judiciously observes that the territorial divisions of the same city do not constitute, for election purposes, separate spheres, each with distinct interests. There is nothing to prevent a man's being nominated in such or such a division merely because he pays his taxes in the neighboring one. According to the law of 1895, the franchise is granted no longer to tax-payers, but only to those who possess real property, or a life interest in real property. The amount of property a man must have to be able to vote in either of the two capitals must not be inferior to three thousand rubles, on which a city tax is regularly levied. In boroughs with a population of more than one hundred thousand persons the amount of property required is only fifteen hundred rubles, also taxed; and in the very small boroughs the voter's property must not be less than three hundred rubles. The franchise is granted, also, to persons possessing a mercantile or industrial establishment, and obliged, therefore, to pay

annually to the crown an amount of money sufficient to entitle one to be considered a merchant of the first class, or as we say, abusing a well-known mediæval term, "merchants of the first guild." Such, at least, is the rule so far as the two capitals are concerned; as to the rest, the merchants of the second class, or guild, are also admitted to enjoy a vote. Certain persons, namely those who have not paid city taxes for longer than six months, and those employed in public houses to sell spirits, are excluded from the franchise.

The number of delegates composing the municipal council depends on the importance of the city concerned. In Petersburg and Moscow the number is one hundred and sixty; in the smallest boroughs, not less than twenty. Each city council has its executive committee, called *ouprava*. According to the law, the number of members in this committee depends on the number in the municipal council. As a rule, there are not more than three, but in cities having a population not less than one hundred thousand, there are four and five; in both capitals the *ouprava* counts six members, besides the president. A question of great importance was to know who should be president of the executive commission—the same person who presides at the meetings of the municipal council, or some one else. It would seem more rational to separate the two presidencies, since the executive commission is answerable to the municipal council and its president, and since no real responsibility can exist where any person appears, at one and the same time, both as the judge and as the one judged. But the legislator has thought it advisable to unite the two functions in one person, that of the mayor or *golova*. Those who declared themselves in favor of such a scheme expressed the opinion that an officer directly placed at the head of the executive commission is likely to acquire a degree of independence with regard to the cen-

tral government which is not to be expected on the part of an officer who, like the mayor, represents both the interests of the city and of the government. This may be so, but on the other hand, there is no doubt that the mayor becomes, in consequence of the union of two presidencies in his person, all-powerful and irresponsible. Another question of no less importance is the manner of the mayor's appointment. If people so advanced in the way of political liberty as the French do not dare to place at the head of the municipal council of the capital an elective officer, no wonder that the law of 1892 has excepted both capitals from the general right enjoyed by Russian cities as to the election of the mayor by the municipal council. In both Petersburg and Moscow, the council is called to present two candidates, and from these two the government chooses one to occupy the post.

The members of the *ouprava* do not leave their offices at the same time; a newly elected municipal council proceeds to the nomination of only half the members, the others retaining office until the election of new city delegates. The reason alleged for such a practice is, that it gives more consistency to the policy pursued by the city administration. Like the district and provincial councils, the municipal one is placed under the supervision of the governor. The council of state thought it necessary to limit the right of interference on the part of the governor by submitting the disputed question to the decision of a mixed commission of government officers and nominees of the city and province, constituting a special board very like that which decides the questions at issue on which the governor disagrees with the *zemstvo*.

The different functions performed by the municipal self-governing bodies will not be here treated. They are more or less like those exercised by similar bodies in other states of Europe. But a point which must be insisted

on is the great extension given to the power of the governor of the province to oppose the execution of any measure adopted by the *douma* or *ouprava*, not only in case of its illegality, but also in case he finds them not in conformity with the general welfare. Some of our chief authorities in matters of public law, and among them Professor Korkounov, express the desire that the questions at issue on which no compromise can be attained between the self-governing bodies of the city and the local agent of the government, that is, the governor, should be settled, not by the minister of the interior alone, but by the committee of ministers.

It would seem that the idea expressed by one of the members of the municipal council of Petersburg, Lichatchev, deserves more sympathy; he was of opinion that questions as to the illegality of such and such measures taken by the *douma* or *ouprava* are not of those that can be settled by administrative authority. The senate being the only body to give a decision as to the legality or illegality of any acts, it was for this body to become the chief arbitrator.

The thirty years' existence of municipal self-government is not a sufficiently long period to authorize any one to give a definite judgment as to its utility. The chief criticism directed against it is that it has placed the cities in the power of the richer class of the so-called plutocracy. Such a result was easily to be expected on account of the character of the law concerning the franchise. As householders and landed proprietors only are admitted to have a vote, and the tenants excluded, no wonder that the big merchants have taken the upper hand in the management of city affairs. The Russian press very often insists on the necessity of introducing into the city councils persons of superior education and of liberal profession. They are generally spoken of in Russia as forming by themselves a separate class, ridiculously denominated the "class of intel-

ligence." Now if we do not want to stick to words and try to define what really underlies the use of them, we shall meet with this alternative: putting the administration of the city into the hands of barristers, journalists, and men of no fixed profession, although of better education, or into those of practical men accustomed to business and having in their own charge the management of very important concerns. One is not quite sure that this last class of persons is not more fitted to administer economically the material interests of a city; one cannot say that on the whole they are deprived of any superior education. Our universities are crowded with young men belonging to the upper strata of the third estate. Meddling with city government has, for the families composing the third estate, the great advantage of attaching them to the well-being of the cities where they live. It is not by pure chance that during these last thirty years large and splendid hospitals, museums, musical conservatories, picture galleries, night asylums, establishments intended to procure for students the possibility of living cheaply in common, and to a smaller extent, public libraries and technical schools, have been founded with the capital granted by rich merchants. This fact by itself proves that the commercial and industrial class begin to take interest in the well-being of municipalities and are proud to contribute to it by their gifts.

Of course one would have liked to see the workingmen take a due share in the management of local affairs, but every one is aware of the fact that the elective restrictions are, at least in Europe, nowhere so tenacious as in the sphere of local self-government. Political franchise as to general elections is more easily granted than the right of voting for a county or municipal council. All demands of this sort meet with systematic refusal under the old and fallacious pretext that proprietors alone are interested in the well-being of the province, district, or town. But if

such is the case, if we cannot introduce at once, and nowhere less than in Russia, the working class into the citadel of local interests, is this a sufficient reason for throwing its doors open to the invasion of barristers and journalists? Are they really to be considered as the faithful interpreters of the wants of the lower classes?

Such as it is, the municipal self-government of Russia, notwithstanding a small but constantly increasing budget, has rendered considerable service by the establishment of grammar schools, and this to such an extent that at least in the two capitals the question of obligatory education could be seriously brought to the front. It is the want of means and the enormous expense required, on account of the climate, to maintain and restore the city streets, that prevents, not so much the capitals as smaller municipalities, from paying due attention to the lighting, cleansing, and adorning of their property. It is useless to blame them for the expenses they have incurred for the building of spacious and elegant town-halls. It was to a certain extent a question of pride to have side by side with the palaces where the nobility meets regularly to administer its class interests no less splendid buildings for the management of city affairs. No *bourgeoisie* has ever escaped from such a temptation, and the magnificent *hôtels de ville* scattered all over France, Germany, and Belgium are not likely to prove the contrary.

CHAPTER IX

THE REFORMS OF ALEXANDER II.—JUDICIAL, MILITARY; UNIVERSITY AND PRESS REFORM—PUBLIC LIBERTIES OF A RUSSIAN SUBJECT.

The reform of the whole judicial organization of Russia is generally spoken of as the third of the great measures taken in the reign of Alexander II. Of course it deserves less attention on the part of a foreign audience, on account of its being less original than the enfranchisement of millions of peasants retaining their land and their communal system of ownership. No doubt in its general lines the reform of 1864 has followed foreign models, and more especially those of England and France. So it is in England that Russian legislators have found the system of justices of the peace deciding petty suits, personally in first instance, and collectively in matters of appeal; it is to England as well that we must look whilst inquiring into the origin of trial by jury, which has been introduced into Russian criminal courts by the law of 1864. On the other hand, the principle of a more or less strict separation of the judicial from the executive power, the introduction of a court of cassation—unique for the whole empire—and the limitation of the right of appeal to special courts seem to be in strict conformity with the practice already established in France in the time of the great revolution, years before the publication of the celebrated codes of Napoleon I. The system of controlling the first examination of the accused, made before a magistrate specially intrusted with the charge, by a cross-examination before the judges and the jury; and the part which the public accuser and the advocate or barrister take in this cross-examination, as

well as in the pronouncing of contradictory speeches in accusation and defense of the prisoner at the bar; the way in which, to conclude the debates, the president of the court session addresses the jury—all these and many other features seem to be directly copied from the existing practice in France.

But unless we limit our analysis to external features, we recognize that it is not so much the institutions and judicial usages of any country in particular as the general principles which guide the matter among all the civilized people of Europe that have been taken into consideration by the lawyers intrusted with the difficult task of remodeling the system of Russian courts, as well as Russian judicial procedure. To illustrate: All certainly are aware of the fact that, in imitating England and its trial by jury, the continental states of Europe, beginning with France, refused to introduce this institution as far as civil suits were concerned; the reason was the greater technicality of questions dealing with the law of real or personal property and the law of contract. In like manner was rejected the institution of the grand jury—the jury of indictment—and the mode of asking the opinion of the twelve persons called to give the verdict, both as to matters of fact and as to matters of law. In this way were created, on the continent, a legal theory and a judicial practice having in English institutions but their first roots and breaking with them, not only in details, but also in general principles. It was this scheme, as far as it had been expressed, mostly by German authorities, and more especially by Mittermaier, that the authors of the law of 1864 followed in determining the character of the relations between judge and jury.

Let us take another instance, that of the organization of the corporations of barristers; they, of course, have been modeled on institutions of a like kind already existing in France, but with differences not immaterial and not always

to Russian advantage. Thus Russia has done away with the institution of solicitors, or *avoués*, and so put face to face the plaintiff and the counsel. It is a question whether the sparing of the expense necessary to remunerate this interference of a third person has been to the advantage of the pleader. The author is inclined to think that it renders him defenseless as to his counsel, and permits the latter to extort from him the amount of money he pleases. Another instance—and this time quite in favor of the Russian system: public opinion did not allow procurators to ape the attitude which the French accuser is, unfortunately, too disposed to assume toward the prisoner at the bar. Instead of supporting the procurator, as is generally the case in France, the presiding judge in Russia has to express a personal opinion and to show to the jury the facts that support the accusation as well as those which stand in favor of the accused. Some of the best judges have understood their duties in this matter in such a scrupulous way as to explain to the jury the state of mind of a person who, like Vera Zas~~chitch~~wich, was revenging on an official abusing his discretionary power the offense committed against an individual entirely unknown to her.

It may be seen from the foregoing that Russian judicial system and procedure are not a slavish imitation of the examples set by England and France, but rather a kind of adaptation to Russian conditions of those general principles that have been slowly developed both by practice and theory among the most enlightened people of Europe. It is not quite in this light that the law of 1864 is looked at by the reactionary party. They generally speak of it as the most unsuccessful of all the reforms of the reign of Alexander II., and that on account of its having made a *tabula rasa* of the whole pre-existing system. Now the fact is, that the leaders of the reform were very far from desiring such an end; if they came to it, if they upset all the judicial system

in use, it was on account of the impossibility of keeping any part of it in existence, because it was in flagrant opposition to the new model of a public and contradictory procedure. It would be a great mistake to consider the abolished system as having been thoroughly genuine; it, as well as the new one, came from Europe, where the origin of the inquisitorial procedure, which formed its predominating feature, had been in use during centuries. But whilst abolishing the principle according to which judicial truth could be established only by formal proofs, the reformers necessarily came to the conclusion that they could not do without the introduction into Russia of the trial by jury—the only trial that enables one to regard the verdict as the expression of interior persuasion, dictated by conscience, and not by formal evidence.

One of those who took the greatest part in the introduction of the jury, Rovinsky, very well explains the way in which, notwithstanding all the difficulty of intrusting to newly liberated serfs such ample authority as that of judging sometimes their former masters, the members of the committee which worked out the new law, pronounced themselves in favor of the trial by jury. In a special memorial Rovinsky very cleverly criticises the different objections which might be made to such a reform—the supposed indulgence with which the Russian people is thought to look on a criminal, the want of any distinct notion of right, duty, and law, which is attributed to the peasants, and the small number of those in their ranks who possess the necessary instruction. He shows that these notions are partly contradicted by facts, such, for instance, as the immediate justice which the peasants take on an arrested thief, whom, for this reason, the authorities are sometimes obliged to protect. He insists, likewise, on this truth: that illiteracy is not always a proof of a total want of good judgment, and that institutions contribute to

form the legal opinions of a people and to implant in them the notions of right and wrong.

One cannot say that the accusations generally brought forward against the verdicts of the peasants are likely to contradict the expectations of those to whom we owe the introduction of the trial by jury. Among these accusations, the most important seems to be the one that the peasants acquit persons whose crime has been evidently established by facts. But cases of this kind have occurred in England and on the continent, every time when the punishment was considered to be exaggerated, and the jury found no other means to protest against its severity and even cruelty. This observation was made more than eighty years ago by Benjamin Constant, whilst speaking of French juries, and it may be just as well applied to those of Russia. How could it be otherwise in a country where the fact of inducing some one to change the orthodox creed for some other is considered to be a crime punishable by a condemnation to years of exile in Siberia? Or to give another instance, where the mere attempt to start a strike is considered as a punishable offense?

It would be very interesting in the study of Russian psychology to make a sort of statistical table showing the way in which different crimes and misdemeanors have been dealt with by juries. We unfortunately possess no direct information of this kind, and it is more in an empirical way that the question may be treated by showing, for instance, the great severity which characterizes both popular justice and the verdicts of jurymen every time they have to deal with cases of robbery the object of which is a horse, an ox, or anything of importance in the economy of village life. On the other hand, the peasant is regularly indulgent in cases of offenses committed under the influence of passion, such as killing an unfaithful wife, and more especially beating her even to death. Of course offenses

occasioned by abusive words or writings have not much consequence in his eyes, unless they are directed against religion and sacred objects, such as icons, or holy images, crosses, and so forth.

No doubt now that primary education is becoming more or less general, Russian ways of judging may be altered to a great extent. Some change has already manifested itself in this way: that anecdotes which recently were circulating about peasant jurymen considering the speech of a barrister in favor of an evident culprit as a gross abuse, or throwing themselves out of the window in order to avoid the necessity of returning a verdict, have become obsolete. One hopes that it will be also more and more the case as far as popular prejudices in favor of charms are concerned. Some twenty years ago we heard of the acquittal of a murderer on account of his victim's being generally considered a witch; the case happened in 1879, in the city of Tichvin.

The way in which the jurymen are nominated in Russia prevents the possibility of any direct influence of party feelings or of local interest. It is the assembly of the *zemstvo*, or rather special commissions appointed by them, that draw up the general lists of jurymen. Not every person is admitted to become a member of the jury; to enjoy this privilege a man must be a land proprietor, possessing not less than one hundred *desiatins* (two hundred acres), or real property of the value of five thousand rubles. Such are the requirements of the law, at least in the most populated provinces of Russia; as to the rest, there are districts where the possession of a property of the value of five hundred rubles is considered sufficient. As to movables, the enjoyment of a revenue of five hundred rubles, or two hundred and fifty dollars, is required in both capitals, instead of any real property, and in other parts of the empire, of only two hundred rubles. No wonder that our jurymen show, as has been said, a great severity

in judging all offenses against property. The requirements of the law have been even increased during the reign of Alexander III., and the growing class of proletarians has been in this way more and more deprived of any participation in the performance of this civil duty. The government has kept at the same time in its own hands the power of eliminating from the lists any class of people it considers not trustworthy. Whilst in the time of Alexander II., and according to the law of 1864, this delicate work had been confided to committees nominated by the *zemstvos*, it is now performed by the procurator at the district court, the direct agent of the minister of the interior. This change was introduced in 1884 and still remains in practice.

Soon after the creation of the jury system, the government became anxious to limit the sphere of the jury's action. From its beginning the jury was not authorized to deal with cases of political offense, such as high treason, or murder committed on the person of the czar. But later on, when terroristic deeds were perpetrated on high officials, and the culprits brought to the bar took advantage of their arraignment to express their political and social theories, the government tried for a while to escape the necessity of excluding such cases from the competence of the jury, by the indirect means of prohibiting the publication in newspapers of all the proceedings, and limiting to the utmost the number of persons admitted to the audience; at last, after the great sensation caused by the acquittal of Vera Zasonlitch, all trials in which the victim was a state officer and the offense had the appearance of a political act, were declared to be out of the competence of the ordinary jury, and were tried either by military courts or by the courts of appeal, attended on the occasion by some class representatives, such as the mayor, the marshal of the nobility, and so forth.

Besides these exceptions to the general rule, according to which a Russian subject is considered to be accountable, like an English one, only to his peers, the system of administrative exile, which in the last period of the reign of Alexander II., and during that of Alexander III., had already taken the proportions it still keeps, renders the above-mentioned formula an empty one. As long as—at any hour of the day or night—a man's house may be invaded by a band of armed political spies, called gendarmes, and authorized, not only to search among his papers, but even to make him disappear utterly for a number of months, or even years, without any trial, there can be no question either of legal status, or of personal safety, or of the dominion of law. It is not necessary to say that this summary way of dealing with persons accused of ill feeling toward the government does the greatest harm to the government itself, giving rise as it does to the strangest stories as to the lot of persons so arrested, creating the greatest excitement among their friends and the desire of immediate revenge. Long stories might be told about the way in which young men whose only fault consisted in having read some clandestinely published pamphlet were turned into serious political offenders by the persecutions of the gendarmes.

One such story comes to mind just now: it is the sad tale of a man who afterward became notorious in the annals of the nihilistic movement, but whom the author knew as a boy freshly arrived from some remote government on the Volga and trying to find employment in London. The boy had escaped arrest, and during whole months was obliged to lead the life of a peasant lacking a passport. It is difficult to imagine how unpleasant becomes the existence of a man who at any moment may be sent back to his first abode in order there to be arrested and driven into administrative exile. The offense that the young man was

accused of consisted in reading and communicating to his friends a kind of didactic romance in which the author pitied the present state of English workmen, and promised them a better future when the theories of Karl Marx should be adopted. The author has read this story, entitled "The History of Three Brothers," all three workingmen, and can assure those who have not done so, that it is just as dangerous as the well-known socialistic romance of Bellamy, and far less so than the "Utopia" of Thomas More or the "*Citta del Sole*" of Campanella; and yet this sufficed to render the life of the young boy unhappy to such an extent that he preferred to undergo crossing the frontier at the risk of his life. In London, and later on in Paris, where he found some work in electric lighting, he produced rather a depressing impression on political emigrants, on account of what they considered a certain timidity of mind, and also for bitter criticisms directed against the terrorists. Some persons belonging to the Russian colony in Paris even supposed him to be a sort of political spy. The author soon lost sight of this ill-famed person, and found his name again only several years later among those who took a prominent part in the blowing up of the Winter Palace in Petersburg. When he died, as a convict in the fortress of SS. Peter and Paul, some other stories were told about him. It seems that his steps may be traced in almost every political plot that preceded the murder of Alexander II. It may well be asked who, if not the political police of Russia, are responsible for the creation of such a dangerous foe to the existing order of things?

There can be no doubt that among the reasons which in large spheres create a general ill feeling toward the government the system of gendarmes and political spies ranks the first. They render private life in Russia insupportable, in this sense, that one is never sure of not meeting in society some person too ready to bring to the knowledge of the

political police one's way of thinking. The younger generations are exposed to this danger even to a greater extent. Years ago, when the recently murdered minister of public instruction, Bogolepov, had been the author's colleague at the University of Moscow, and the elected rector of that high school of learning, he one day told his fellow-professors, with great excitement, the following fact: A student who had not been able to pass with him the examination in Roman law, failing for the second time, was, according to the statutes, obliged to leave the university. He protested bitterly against his ill luck, saying, in the presence of the examiner, that he should in this way lose the annuity paid to him by the gendarmes. Bogolepov, who at this time at least remained an honest man, paid no attention to these entreaties, and the students were rid at least of one of their spies. No wonder if, under such conditions, our lectures in the form given to them by uncontrolled students passed into the hands of the political police, and if the latter surrounded us by its male and female agents to a degree which rendered our existence a sort of daily martyrdom. The worst is, that the gendarmes cannot live without political plots; if they have none to deal with in reality, they must invent some; otherwise they run the risk of seeing their budget diminished for the next year. This is the reason why, as certain persons have noticed, alarming reports as to future political attempts circulate as a rule a few weeks and even months before the renewal of the special budget serving to pay this sort of people. One cannot call them gentlemen, because, the office being ill viewed, only ill-famed persons venture to adorn themselves with the uniform of a gendarme. I do not speak of the indescribable sort of men and women recruited from among all classes of society, who escape prosecution for private offenses by undertaking to render the well-remunerated service of introducing themselves

under different pretexts into the private life of persons who have attracted the attention of the political police. Of course the superiors who accept such services cannot be very particular in the choice of their agents. Cheats, scoundrels, and prostitutes make up the number, and it is on such pillars that, for want of public sympathy, Russian single-headed bureaucracy is reduced to maintain itself. The situation seems more and more like that of the Venetian oligarchy, which, on the eve of its fall, sought its salvation in inquisitors of state, *sbirs* and *confidenti*, and which did not blush even to use the services of such a scoundrel as Cagliostro, who, in his private dispatches, promised to look after religion and public morality, though he had neither himself, and guaranteed the good feeling of the subjects toward the aristocratic government, and their hatred of French democratic principles almost on the breaking out of the Venetian revolution. If history taught its lessons not only to sociologists, but also to practical statesmen, those who rule Russia would be less confident of their future and put little trust in the compromising support they have called to maintain their power.

Besides the three great reforms accomplished in the reign of Alexander II., several others of no smaller importance deserve attention. They will be here mentioned for the sake of completing the general review of the ways and means by which, out of a former aristocracy, ruling over crowds of enslaved people, Russia has become more and more a democratic community, still in the bonds of a single-headed bureaucracy, but already tired of this dependence. The first in order, if not in time, is the reform of the army and navy, brought about, in 1874, by the introduction of general and obligatory service after the Prussian model, probably too well-known to need further description.

According to the principal dispositions of the law every Russian has to serve in the army or navy as soon as he is

twenty years old; exceptions are made chiefly for families having no other support than the person to be enrolled. No one is authorized to send, instead of himself, some other recruit, nor to pay any money equivalent. The number of years one is required to remain under arms is eighteen in the army and ten in the navy. From this number only five constitute active service—five in the army and seven in the navy; the rest of the period a soldier or sailor is considered to belong to the reserve. The advantages conferred by professional education appear first of all in the fact that medical men, veterinary surgeons, pensioners of the Academy of Fine Arts, persons sent by a university to finish their education abroad, as well as professors, from the beginning of the term are considered to belong to the reserve. The same may be said of the skippers, storemen, the engineers, machinists, the helmsmen, and their apprentices. The other advantages of learning consist in the right of postponing entrance upon active service by students not having finished their education at the moment when they have reached their twenty-eighth year. The third advantage enjoyed by the same persons is that of having the period of active service considerably reduced. Those who have finished primary education serve no more than four years, and those who have gone through the four or six classes of a lyceum, or secondary school, have to serve, the first three years, and the second two years only. Such are the outlines of the law which introduced general military service in Russia.

Attention is now called to the social and political results of such a change. They manifest themselves in the mingling of all classes of society, in bringing, if not the former master, at least his descendants, into close connection with the family of the liberated serf, in introducing into the most different strata of Russian society the sense of discipline, which may render the most important services, not

only to military enterprises, but also to the struggle for civil independence which may be looked for in no distant future; last, but not least, in infusing into the ignorant masses those European ideals of liberty, equality before the law, and social solidarity, of which the graduates and undergraduates of higher and secondary schools are both unconscious and conscious agents. It is not by pure chance that during the recent odious repression of peaceful manifestations organized by students and workingmen the police sought help, not from regular regiments, but from the half-Asiatic irregular troops, known under the name of Cossacks. The more public instruction becomes general—and the favor which is shown to those who have passed their primary examinations does not serve to discourage it—the more the Russian army will become the stronghold, not so much of the bureaucracy, as of the people at large.

The second reform to be mentioned is that of the universities. This reform, although made not farther back than in 1863, has already become a thing of the past. The law of 1863 introduced into the higher schools the system of autonomy and self-election. The author, having had occasion to pass almost eight years as a freely appointed professor and a member of the university council of Moscow, may be able to give some genuine information on the working of the system. But at first a few words on its formation. Russian universities are composed of several faculties, much the same as those to be met with in Germany or France, with the exception of the theological ones; these last constitute separate academies, existing in Petersburg, Troitsk, near Moscow, and Kiev. Theology is, nevertheless, taught in its general outlines to the students of all the faculties, who do not seem to derive great advantage from this superficial and more or less rhetorical way of bringing forward the complaints of orthodoxy against for-

eign creeds, the laws of science, and the discoveries of the comparative history of religions.

The professors, as in German universities, belong to three different categories, the ordinary, the extraordinary, and the private *docentes*. To become an ordinary professor, a person is required to take three degrees, those of candidate, of magister, and of doctor. The first is obtained by a study of four years, and the presentation to one of the professors of a written composition. The examination for a degree of magister in a special branch of learning requires from the candidate a study of not less than two years. After having passed a new examination, this time before the whole faculty, the candidate is required to sustain publicly his printed dissertation treating of some subject freely chosen by himself. At the distance of another two years, and sometimes more, follows the presentation of a newly published work. Without any further examination, the candidate is called upon to sustain it publicly, and if approved by the majority of the faculty, he receives the highest degree, that of doctor. This does not mean that he is to become at once a professor. He must first undergo two kinds of election—that of the faculty to which he is to belong, and that of the university council, composed of the ordinary and extraordinary professors of all the faculties. Twice chosen by these elective bodies, the candidate wants only the nomination on the part of the minister of public instruction to enjoy all the privileges of his office. In the same way as ordinary professors, the extraordinary are chosen from among those possessing the degree of magister. The number of ordinary professors in a faculty being as a rule limited, one often sees doctors consenting to be extraordinary professors. As to the private *docentes*, they need no special degree except that of a candidate, together with a testimonial of special knowledge of the subject they have chosen, which they receive either by passing the examina-

tion of a magister or by sustaining publicly a short dissertation, after which they have to deliver two lectures by way of essay; the subject of one of them is given by the faculty, that of the other is freely chosen by the person in question. Each faculty has the right to elect its president or dean, and all together, at a meeting of the university council and by ballot, a rector and sometimes a vice-rector from among them. Subordinate university officers, such as, for instance, the secretary, or the inspector of the students, are equally at the nomination of the council. Besides these officers, a disciplinary tribunal, to which the students are summoned for any infraction of their statutes, is composed of professors appointed by the council.

It will be seen that in their elections the professors, according to the statute of 1863, were almost independent of any interference on the part of ministerial officials, and among them of the curator, or the officer placed at the head of all the secondary and primary schools of the several provinces which form the sphere of his inspection. So long as the statute of 1863 remained in force, the author had no opportunity of seeing the curator, either as student or as professor; only once this official came to attend his lecture, at a time when the lecturer was only a private *docens*. The reason of this special favor, afterward learned, was a denunciation; he came to control the character of the teaching, and having probably found nothing particular in it, troubled the *docens* no longer by his presence. Now, this perfect independence of any body or persons, besides self-elected presidents and councils, was a thing quite unknown in Russia before the reform of 1863. Previous to this period the curator, whose office in certain parts of Russia, for instance at Kharkov, was united with that of the governor-general, meddled with all questions concerning the nomination of professors and the way in which they performed their duties. To show the results of such an

interference, it may suffice to say that in the same University of Kharkov, to which Fichte had been called—although without success—the teaching of philosophy was intrusted, in the years from 1830 to 1833, to a police officer, by the special request of the governor-general. No wonder if among the immediate reforms recommended by the professors was the breaking of the chain which fettered the progress of teaching and learning to the prejudices and gross ignorance of this sort of Russian *pachas*.

Another harm, no less hurtful to the intellectual development of the country, was the limitation of the number of students by official decree. Accordingly, the University of Moscow, the oldest of all Russian universities, founded in the reign of Elizabeth, the daughter of Peter the Great, was allowed to admit no more than three hundred students; and the same limit had been already imposed on other universities. The mischief done by such an order of things was too notorious, and attracted, therefore, the attention of the government even before the passing of the law of 1863. When the latter was put in force, the restrictions as to the number of students became a thing of the past. The law of 1863, very liberal, as we have seen, as far as the rights of professors were concerned, did nothing in favor of creating among the students the corporations, which, almost from the Middle Ages, have existed in the countries of Europe and more especially in Germany. The student was no longer allowed to wear any uniform, and had to attend the lectures in a civil dress. Accountable to university authorities for acts committed within the walls of the school, he was required to submit to the general police for any infringement of the law committed outside those walls.

These are the outlines of the system proper to the universities in the reign of Alexander II. Attention should now be called to its advantages and its drawbacks. The universities at this time were not only schools of learning,

but also of moral education; intimate relations existed between professors and students, who, as a rule, had the opportunity of visiting their teachers, to inquire not only for special information, but for that sort of general guidance without which it is so difficult for a young man coming from some remote corner to acquire the preliminary encyclopædical knowledge necessary to special investigations. The reason for the great superiority of a university over any technical school consists chiefly in the fact that it opens to a specialist the possibility of not losing sight of the philosophical aspect of science in general. No wonder, therefore, that lectures on biology, psychology, economics, and politics were listened to by crowds of students whose specialty was either mathematics, medicine, philology, or jurisprudence. History, in its various forms, as the best preparation for sociology, also attracted the attention of the students of all faculties, and contributed in a great degree to open their minds to questions of a social and political order. The possibility of dealing directly with the professors had also the advantage of calling the attention of the latter to the material and moral wants of their audience. Public lectures delivered generally on some question of the day, and to the profit of the poorer class of students, permitted the peaceful solution of some moral or political problem, and the collection of means necessary to pay the term of poor students. On occasion of some temporary excitement, created by a supposed or existing wrong, a popular professor often played the part of an arbitrator and adviser, forgiving personal invectives as coming from young men not sufficiently informed or not able to control themselves, and taking the chance of losing the confidence of the government by protecting his audience against any insinuation of an imaginary plot.

If the university autonomy had the advantage of con-

stituting a sort of family tie between the older and younger generations, the graduates and the undergraduates, the professors and the students, it had equally the power of raising the moral standard of those called to be not only the teachers, but the educators of future citizens. Getting a fixed salary and no fees from the students, the professor was not materially interested in increasing his own audience to the detriment of some colleague, as is unfortunately too often the case now that the students are obliged by law to attend a certain minimum of lectures, paying for each of them a fixed amount. Considered the moral leader of the young men under his charge, the professor was naturally the man to whom the families whose sons received education in the university recurred for counsel and good advice. In a city like Moscow, where high officials and courtiers are few, on account of the emperor's and the grand duke's generally residing in Petersburg, an autonomous body of scholars and literary men, elected by way of co-operation, became necessarily a sort of intellectual center, from which the daily press, the monthly magazines, the clubs, and the saloons were pleased to borrow their leading opinions. No wonder that all classes of society vied in the wish to be represented in that body by some one of their members. You may find still among Russian professors, counts and princes who, having chosen a literary career, considered it a great honor to occupy a chair or even to deliver lectures as private *docentes*. For instance, there are two brothers of the marshal of the nobility of Moscow, belonging to one of Russia's greatest families, the Princes Troubezkoi—the one is professor of philosophy at Moscow, the other professor of legal cyclopædia at Kiev. Side by side with them one may find, in the same faculty, sons of peasants, of priests, and of tradesmen.

It was the advantage of belonging to an autonomous family of scientists that gave to the younger generation

of our wealthy classes the desire to compete with materially less independent scholars in the task of educating their countrymen. If some of them still remain among the professors, we must not forget that their careers began at the time of university self-government. Now, this mingling of all ranks of society in the direction of public instruction has the great merit of eliminating the one-sidedness, the class feeling, in the treatment of moral, social, and political problems. Of course many of the persons devoting themselves to the work of education were unable to get rid of all the inherited prejudices of their family and connections, but the university as a whole, where these prejudices met with serious criticism on the part of colleagues, assumed more and more the character of a body soaring above all these petty interests, and expressing only the views of impartial science and enlightened patriotism. From the years passed in the University of Moscow, the writer keeps the remembrance of a society of well-educated and polite gentlemen, who, although objecting to a great many of his ideas, never showed any disobliging bitterness in their criticisms.

Of course one of the matters of disagreement was the choice of young graduates as candidates for professorships. According to the university statutes and usage, each professor had the right to recommend to the faculty one or more persons among those having passed their examinations, and, the faculty acquiescing in the election, the young man obtained a scholarship for two years at least, during which he could prepare for his examination. It was not so much the choice of these young men as the further introducing of them into the corporation as professors that very often produced a real dissension among the members of the same faculty. The opinion prevailed that, once chosen for a scholarship, the graduates were to be piloted by the professor who had recommended them, and preferred in all nomi-

nations to any student coming from another university. Now, the present writer considers this a great error, the effect of which is to fill the chairs, not with the ablest men, but with those whose only merit is to swear by the master who gave them the post. Of course people who were in favor of such a practice could object that a real school may be created only by a generation of men working out the same leading ideas. But the university being, *meo judicio*, a sort of mirror in which the different schools are reflected, there would seem to be, therefore, a great advantage in bringing into it new forces coming from abroad. It will be evident that in university debates local patriotism and scientific cosmopolitism were brought regularly together, and very often had occasion to fight. All this is spoken of in order to show the real importance of controlling to a certain extent the nominations of the faculty, not only by those of the general university council, as in past times was the rule, but also by the more effective plan of creating a practical competition among all those entitled to occupy a chair when the latter becomes vacant. As arbitrators there should be all the professors and scientists who work in the same fields. They might give their opinion on the merits of the candidates, if not in person, at least in writing. Such a proceeding was not at all contrary to the scheme adopted by the law of 1863; it was only not put into practice; and it is hard to see why, in the case of a return to the old régime, the attempt might not be made.

The autonomy of the universities meant the freedom of public thought from any other guidance than that of knowledge and scientific philosophy. Here lies the reason why a triumphant reaction could not bear the further existence of self-governing university bodies. At a moment when the leading ideas of the period of reforms became suspected in Russia, professors continued, as in the past, to express them openly in their lectures. The antithesis was too

flagrant not to be treated as scandalous. In order to persuade the new Emperor Alexander III. of the necessity of doing away with university autonomy, the pretended saviors of Russia denounced individual professors as plotting against autocracy. Dismissals began; most of those who had to resign are not yet certain as to the nature of their fault. Scrutinizing their past, they could find nothing but the free expression of ideas in direct conformity with those which produced the emancipation of the serfs, the successful trials of local self-government, the liberation of science and of the press from administrative control, the introduction of the principle of equality before the law and in public service, and so forth. This ostracism, of course, had no other end than that of showing the necessity of establishing a more strict control over the teaching of professors and the interior administration of the university. Little marvel that the law of 1884 did away with the elective system, and passed the nomination of the professors, of the rector, and presidents of faculties into the hands of the minister of public instruction, and that of the private *docentes* into those of the curator. The professors received at the same time a considerable increase in their salaries, the students being obliged to pay double what they had paid before, and to remunerate the professors according to the number of lectures they attended weekly. The authority of the nominated rector and presidents was increased to the detriment of that of the university council and the councils of faculties. The students had to submit to a nominated inspector; his assistants, not excluding common servants, were required to denounce those not assiduous in attending the lectures. At the same time professors received a kind of written injunction to teach public law, for instance, in a sense favorable to autocracy and opposed to representative government. Those who criticised such injunctions were requested to resign, and in case of refusal,

were at once dismissed. The worst of all was the terrorizing effect which such a method of dealing with recently independent scientists produced on their colleagues. Thinking that all theories were only good to bring them into trouble, many of them carefully eliminated from their lectures anything but the statement of facts; and to calm the suspicions of the government, they printed some innocent text-books, the reading of which from the chair became thenceforth their chief occupation. Inevitably their audience was soon reduced from hundreds to tens and less.

But as the students generally required from their teachers something besides facts, they began to search for theories by themselves, reading, or rather devouring, German socialistic pamphlets translated into Russian and freely circulating in the vast empire of the czar, on account of not attacking directly its interior policy. In this way, by prosecuting any free expression of personal opinion, if not in conformity with that of the ruling bureaucracy, the government discredited the professors in the eyes of the audience, and induced the latter to nourish their minds with theories whose practical application in the existing conditions could only create a more or less serious agitation among the working class and unite their endeavors with those of the students. Notice that the latter are prevented by law from organizing any corporations. Being in this way hindered from occupying themselves with their own interests, they had no other choice but to apply the theories they had borrowed from abroad to the yet shapeless mass of workingmen, recent emigrants from their villages. There seems to be no great harm in that organization of the forces for a future social struggle by persons of course better informed than the majority of the ordinary demagogues, but it does not appear that such a result is desirable for the government, or that the abandonment of scientific pursuits for the work of propaganda may be profit-

able in the making of future citizens and leaders of public opinion. In any case, recent events have well proved, first of all, the total failure of the government to prevent the spread of liberal ideas, by means of annihilating any moral influence on the part of the professors; second, the necessary installment, instead of their direction, of an anonymous authority, which is no other than that of a reduced and one-sided European public opinion; third, and not least, the good understanding already existing between the lower strata of Russian society and the students, who are becoming more and more the leaders of a movement in which Russian bureaucracy is not likely to be the gainer.

Recent experience makes it evident to all except those who prefer to remain blind, that no happier end is to be expected from the campaign against a liberal press—a campaign which marks the reign of Alexander III., and so vitally contradicts the happy beginning of that of his predecessor. The law of 1865, although a copy of the bitterly attacked French imperial statute concerning the publication of books and periodicals, was in considerable advance of those which preceded it, and becomes nowadays a *prium desideratum* for the immediate future. Its chief purpose was to reduce, if not to eliminate, administrative control in favor of the judicial. Daily papers, which previous to the law were submitted to censure, got the license to appear freely, but on condition that their editors and writers be answerable to the courts, both for private and public offenses committed in print. Not wishing to lose any influence on the direction of the daily papers, the government took refuge in the system of warnings. After three of them the paper was not suppressed, but could no longer appear without passing under the eyes of the censor. As to books, original ones were liberated from any censure if containing not less than ten sheets, and translations if containing double that number.

In the time of Alexander III., the law of 1865, although maintained in theory, was abolished in practice, in this sense: that a commission consisting of the ministers of the interior, of public instruction, and of justice, as also the procurator of the Holy Synod, was authorized to pronounce itself in favor of an immediate suppression or suspension of periodicals, on account of their so-called "bad tendencies"—a vague phrase, by which the ministers in question generally understand a free criticism of their own administration. The person answerable for the introduction—of course in the way, not of a law discussed and voted by the council of state, but of so-called temporary measures directly presented for the confirmation of the emperor—was the home secretary, Count Dimetri Tolstoy. He intended to use it almost exclusively for the repressing of constitutional demands. The author received very recently the confidence of a man who, not having succeeded in making himself a name in literature or erudition, did not disdain the post of a censor in Petersburg. Whilst protesting energetically against the abuse which has recently been made of the right of controlling public opinion by police regulations, he spoke highly of the patriotic feelings which, according to him, inspired Count Tolstoy. In addressing his inferiors he was careful to advise them not to abuse the almost unlimited right accorded to them as far as Russian thought was concerned. "Nowadays," continued my penitent censor, "the grossest abuses are daily committed in the controlling of the press; not only are the temporary rules applied indiscriminately to suppress periodicals which, like *The New World*, have not published an article against autocracy, whilst criticising the whole administrative machinery, but the minister of the interior, Goremikin, and the executioner of his arbitrary sentences against the press, the head of the censorship, Soloviev, introduced a new method of binding the editors

by a direct attack on their material interests. In accordance with this they suspended a newspaper for a number of months, just at the moment when new subscriptions were to come in, or they prohibited the persecuted paper from accepting advertisements. The head of the censorship declared openly that he wished to compel all the existing newspapers, with, of course, the exception of those official or semi-official, to appear after having been censured by his subordinates. He went even farther, by taking it on himself to recommend to the shareholders of a journal the change of the editor and to impose on them his own candidate. It must be added that, fortunately for the maintenance of any feeling of legality, the minister and the chief censor have both been obliged to resign; and although the management of the press remains as rigorous as in the past, at least it has no more that false paternal aspect which was familiar to it a year ago.

There exist different kinds of censure in Russia—a special one for all accounts concerning the dealings and sayings of the emperor; an ecclesiastical censure for all books and articles concerning the interpretation of Holy Scripture, the dogmas of religion, and even ecclesiastical history. This censorship is exercised by the Holy Synod. Besides, we must mention the theatrical censure, and a special censure for foreign books, magazines, and newspapers. As soon as you cross the Russian frontier you are deprived of your books and papers under the vigilant eye of a gendarme; you get them back in some weeks' time, after they have been examined by a censor; they return to you not always intact, but partly covered with black ink, a kind of operation which some French publicists identify with putting caviar on your bread. If now we ask ourselves what services the government receives from such a careful embankment, as it were, of Russian thought, we find ourselves at a loss to answer. It has not prevented

the diffusion of the most advanced theories either in religion or politics. On the other hand, it is directly responsible for the circulation among the public of the strangest and most compromising reports as to the dealings and intentions of the court and the high governmental spheres. The minister of the interior may prohibit, by a circular, for instance, mention of any kind of university troubles, but the only result of it is, that nobody believes the official communication, and the popular imagination increases to thousands the necessarily limited number of the victims of the abuses committed by the police or the Cossacks. Again, foreign powers, as well as the foreign press, render the government responsible for any statement made by Russian newspapers. How can they do otherwise, no liberty of the press being known to exist in Russia? To illustrate, the following fact, quite recent, may be cited: The Paris correspondent of a well-known Russian paper, the *Novoie Vremir*, expressed months ago his want of confidence in the French minister of war, General André. Immediately French papers published articles, saying that the good ally of the republic had no right to interfere in the interior administration of the country. Diplomatic correspondence ensued, the Russian government had to take measures against the journal in question, and nevertheless, into the depths of the French popular belief penetrated the ridiculous suspicion that imperial Russia is not adverse to a military *coup d'état* in favor of some Bonaparte serving in the ranks of her own army.

One is inclined to think that the Russian government might dispense with the help of the censorship, as it has always in its hands the power of prosecuting the writers and editors who have infringed the law by attacks on the institutions of the country, on religion, public morality, and personal reputation. Such seems to have been also the idea entertained by the framers of the

law of 1865. Whilst declaring that the government could intercept any book or paper already published, they put a limit to its power by saying that such an interception could happen only in case the incriminated writer and publisher were at the same time cited before the courts. It was only in the year 1872 that the authorities dispensed with prosecuting the author of incriminated writings. This untied their hands and permitted them to do away with any book or monthly magazine they thought dangerous, even at the lapse of months and years from the moment of its publication.

Besides preventive and judicial measures against the press, the law also permits administrative ones. The proprietors of printing-offices cannot perform their work without a previous permission from general governors and such administrative officials, who may refuse the authorization without explaining the reason of their conduct. A father cannot transmit to his son the inheritance of a printing-office unless the son receives a like authorization. Special agents are to control printing and lithographic offices and factories where the type is prepared; and this in order that no book or paper may appear without the knowledge of the government. The acquisition not only of type but even of a writing-machine is not allowed without previous permission. All this does not prevent the existence of a clandestine press and the appearance of political manifestos in cases of public excitement. The moral and religious treatises of Leo Tolstoy, the recently excommunicated great old man, not allowed to appear in print, are circulating in the country in numerous hectographic copies. So illusive are the hopes of preventing the spread of ideas by police regulations.

One doubts, likewise, the efficacy of those prescriptions by which circulating libraries and reading-rooms are forbidden to communicate to the public books and periodicals which, although published with the consent of the

censors, are still considered to be dangerous. A new *index librorum prohibitorum* is issued from time to time; and this task of purging the Russian mind of bad ideas is sometimes performed in such a stupid way as to involve the great work of Adam Smith on the "Wealth of Nations" among the proscribed books.

It is regrettable that among the great reforms which were carried out in the reign of Alexander II., and which have largely come to naught under that of his successors, one finds almost nothing in the way of extending the freedom of religious thought. It may be said that the wide lines of the system of toleration by which not only Christian churches, but also Hebraism, Mohammedanism, Buddhism, and even rude forms of pagan idolatry, benefit in Russia had already been drawn by Catherine II. It was in the days of that empress, philosopher, and good politician that promises of equal recognition were given to Catholics, Lutherans, and Protestants, very often in the same acts by which Russia proclaimed the annexation of some parts of the former republic of Poland. We might go even a step farther back and declare that the respect for foreign creed had been a part of the dealings of all Russian conquerors with the subjugated pagan and Mohammedan populations, from the banks of the Volga to those of the Amur. But this respect did not go farther than the toleration of their creeds, sometimes accompanied by the strict obligation of the conquered to live within a certain area, either their old abode or a new territorial concession from the government.

This last rule is also applied to the Jews, with the exception of those who lived under the rule of the Tartars, and who are known by the name of Karaites, and distinguished themselves from other Israelites by not recognizing the rule of the rabbis. Secular prejudices have prevented the mass establishment of the Jews within the limits

of old Muscovy, whilst they constituted by themselves almost the whole third estate of Poland. This is the historical origin of that limitation of their territorial extension mostly to provinces which had formed a part of Poland. And that such a measure is taken against them on account of their creed results from the fact that by altering it, by accepting orthodoxy, for instance, they are liberated from such restrictions. Within the limits of the area they are allowed to inhabit, permanent settlement may be taken by them only in towns and boroughs—on no account in villages. This opens to the authorities the way to a constant abuse, which takes either the form of prolonged permissions of occasional residence, granted to Jews ready to bribe the police, or to a more indirect extension of their sphere of action by the raising of a more or less considerable number of villages to the rank of boroughs. Even within the area forming their dwelling districts, the Jews, faithful to their creed, are deprived of certain natural rights—such, for instance, as that of keeping Christian servants, or that of taking on a lease land estates and factories. The last measure turns very often to the detriment of the Christian owners. All over Russia the Jews are regularly placed at the head of distilleries; some, whilst renting them *de facto*, are considered by the law as simple managers; they take advantage of their dubious position to make the proprietor answerable before the court for the acts done by them as tenants, such as buying corn and not paying for it. The landlord is equally responsible for the infringement of the rules regulating distillation. So the law turns against those it would have wished to protect.

Of course there are numerous exceptions made to the measure preventing Jews from settling in the two capitals and the greater part of the genuine Russian provinces. Those who have taken their degrees in the universities, those accepted as students of the latter, and those holding

an office or having acquired a *tchin* or rank in the administrative hierarchy, and lastly those who practice some liberal profession, such as that of a barrister or of a physician, may live anywhere. But on the other hand, the law has done, and still tries to do, everything in its power to limit the number of those who may obtain exemptions by getting university degrees. Thus in all the higher schools the number of Jews admitted as students must not exceed three per cent of the whole number. The impudence of the government went so far as to ask donations from rich Jews for institutions of public instruction in which their coreligionists were considered as pariahs and intruders. The most astonishing thing is, that these demands have been complied with, so great is the subserviency of our third estate to those who are pleased to maintain a high tariff on foreign goods, in order to make the wealthy more wealthy. One is not so much surprised at the persecution of the Jews in Russian higher schools, when one hears that the percentage system is equally applied to the Poles outside of Poland; they cannot exceed more than ten per cent of the number of students in Russian universities. The government has fallen in love with this percentage system to such a degree that it intends also to apply it in order to diminish the number of Jews among barristers. And observe, that this tendency, which indorses all the popular prejudices against the Jews, is quite against the good feeling entertained toward Jewish professional men by the élite among our scientific and literary men—very often even against the desires of the merchant class of the old capital, who entreated the government not to expel the Jews, as they were rendering considerable services to their trade as secondary agents.

The toleration granted to the Jews within much restricted limits is extended to all creeds which contain no direct attack on public morality. This last qualification is made,

for instance, against such sects as the Skopzi, who mutilate themselves, or of that extraordinary sect, so much spoken of last year, and who, expecting the approaching end of the world, bury one another alive. Of course no recognition can be given to the creed of such fanatics, but it is to be feared that, under the pretense of upholding a high moral standard, the government will persecute advanced sects of Protestantism, such as the Stoundists. Whilst writing this chapter the author had before him the last number of a Russian gazette containing the following statement: "One of the judicial sections of the senate, our court of cassation, had to pronounce itself last May on the application of a recent order of the committee of ministers. According to this order the right of having places of worship, a right granted to all dissenters, was not to be recognized to the Stoundists. The senate is of opinion that, before applying this general rule, the courts ought to investigate whether the persons prosecuted are really guilty of not recognizing sacraments, civil powers, and the obligation to serve in the army and to take an oath of allegiance, and do generally profess opinions contrary to the orthodox church and the political organization of Russia."

It is difficult to determine what puzzles one most in this decision: the mixing together of non-belief in holy sacraments with the refusal to perform military service, or the fact that the senate does not wish to accept as granted the fact that it suffices to be reputed a Stoundist to become an outlaw as far as liberty of practicing religious worship is concerned. The writer, for his part, attaches more importance to the latter, and finds in it confirmation of the fear expressed above. Those who rule Russia want to recognize as immoral anything endangering the maintenance of the existing order, and the refusal to kill in battle or to swear passes in their eyes for something identical with the negation of the Gospel.

Tolerating a creed does not mean allowing its free propaganda, and in this matter Russian law is very exclusive. The orthodox clergy, not the laity, is alone permitted to convert the followers of other creeds to their own by way of preaching. To abandon orthodoxy is not directly considered as a crime, but has its bad effects on the social and civil condition of the person concerned. The Russian criminal code declares that from the moment a man has been recognized as not abiding by the precepts of orthodoxy, he is to be sent to the clergy, who advise him to return to his former belief. Until then he does not enjoy the rights of the social order to which he belongs, and measures are taken to prevent him from influencing his children and causing their breach with orthodoxy. A worse lot falls to those who have perverted him; they may be sent to reside in Siberia, and even condemned to hard labor in that country in case they have induced some one to abandon Christianity (articles 184 and 187 of the penal code). A recent application of these rules to the case of Count Leo Tolstoy explains the reason why the clergy thought it necessary to address him a warning, and why in his answer he insisted so much on the fact that he had not tried to convert any one to his own religious opinions. In France many were puzzled at the leniency of the government toward him. Besides his great fame, which serves him as a weapon against all administrative prosecutions, the law just quoted explains by itself the want of any regular penalty. The last threatens those who convert, and not those who are converted.

The same privilege which orthodoxy enjoys as far as religious propaganda is concerned, appears equally in this rule: that children of mixed marriages, in which one of the parents is orthodox, must of necessity be orthodox. No exception is made for any creed but that of the Lutherans, and that as far as Finland alone is concerned.

From what has been said it will be seen that Russia possesses neither a *habeas corpus* act in the Anglo-American sense, nor the right of free meeting or collective petitions; the last, with an exception in favor of the assemblies of the nobles, who enjoy the right of addressing written demands to the emperor, provided, of course, that these demands contain nothing against the fundamental laws of the empire. Recent events have clearly established the fact that Russian gentlemen and even ladies are not exempted from the most brutal attack on the part of the police and Cossacks, in case they should wish to demonstrate their good feelings toward prosecuted students, even in a quiet, peaceful way. It is also evident to any one who has read the humble petition to the czar, attributed to Professor Milukov, and heard that for this act alone the professor has been imprisoned, that no right of petitioning exists in Russia. If you add to the want of personal liberty the intolerable position created for the press, the practice of opening private correspondence and interfering with the choice of books and newspapers one wishes to read, and lastly, the difficulties created in the way of natural propaganda by every sincere believer of his creed, you will see that the one-headed bureaucracy has deprived the people not only of their political rights, but also of the enjoyment of that amount of freedom which was accorded Englishmen by even the Magna Charta, and which Americans enjoyed years before the establishment of their great federation. Now, in the writer's opinion, a government is judged not only by the material welfare of the people over which it rules, but also by its moral well-being. Those who did the author the honor of reading his French treatise on the economical régime of Russia have been able to come to the conclusion that the condition of the majority of the peasantry and of the workingmen is far from being satisfactory, that the landed nobility is half ruined, and that the only flourishing

class is a small number of proprietors of factories and big merchants, enriched by high protective tariff. It cannot be expected, on the other hand, that those who have had the patience to read these chapters have been very much impressed with the large participation of the people in the management of public affairs, or with the unchecked exercise of the "rights of man" on the part of Russian subjects. The natural conclusion is, that Russians live in a period which Shakespeare defined by saying, "The time is out of joint." One would not be astonished to hear in a few years that many of the institutions and laws treated of in these chapters have become obsolete, and that Russia has made her return to the policy of prudent but integral reforms, which so well succeeded with her at the time both of Alexander I. and Alexander II.

CHAPTER X

THE PAST AND PRESENT POSITION OF POLAND IN THE RUSSIAN EMPIRE

In the foregoing chapters the author has tried to give a general idea of the political and social state of the majority of the provinces forming the Russian empire. The object in view was to explain the rights and obligations of a Russian subject, a technical expression used to denominate what, in countries enjoying more liberty than Russia, is known under the name of citizen. But certain parts of the empire have special advantages and disadvantages, proceeding either from the recognition of old rights or from the chastisement of some political wrongs of which Russia had to complain some forty years ago, and which are still considered as deserving special punishment. Some of these privileges, which may be qualified by the Latin adjective *odiosa*, arise from the fact that not a few independent states came, through the chances of war and by political combinations, to constitute parts of the empire. As early as the time of the Czar Alexis, father of Peter the Great, a good many provinces had been detached from the kingdom of Poland, after a successful rebellion of the Cossacks, guided by their elective leader, or *hetman*, Bogdan Chmelnizky. After having tried to establish a semi-independent state under a nominal suzerainty of the Ottoman empire, Chmelnizky turned his eyes toward Russia. The communion of creed, and the interference of the orthodox clergy, contributed to a great extent in the union of both Russias, the Little and the Great, but neither Chmelnizky nor those who after his death obtained

the supreme leadership of the provinces which once belonged to Poland ever thought of abandoning their entire political independence. In the treaty concluded with the Muscovite ambassadors at Perciaslav, in the year 1653, the Emperor Alexis, according to the contemporary memoirs of a certain Zorka, by the agency of the *boiars*, sent as ambassadors, took the obligation not only to protect Little Russia with the whole Cossack army, but also to maintain its old laws and privileges.* In the text of the charter granted to Bogdan and to the whole army of the Cossacks by the Czar Alexis, it is said that according to their demand to have their rights and privileges recognized in the form given to them by Russian princes and Polish kings, the czar accords the right of electing a *hetman* and of being judged by chosen aldermen (*starschini*) in conformity with their old laws.†

If, a few years later, the Cossacks, under the leadership of Vigovsky, manifested a desire to dissolve their newly established union, it was because, as he plainly said himself to the ambassador of the Crim Tartars, the czar of Muscovy, contrary to his promise, established *voivodes* in the towns belonging to the Cossacks; the *hetman* did not care to be under the thumbs of *voivodes*, but merely wished to possess those cities, as did his predecessor, Bogdan Chmelnizky. "I do not want to be any longer your *hetman*," said the same Vigovsky to the Cossack colonels assembled in Korsoun, on the 11th of October, 1685, "because the czar takes away from us our liberties; and I do not wish to stay in bondage." Whilst returning him the emblems of his supreme power, the famous *boulava*, the colonels declared, "We shall stand as one man to maintain our liberties." But even at this time, under the influ-

* The Annals of Velitchka, vol. i, p. 73; cited by Kostomarov, vol. ii, p. 408.

† See the text of this grant in the second volume of Kostomarov's work, second edition, pp. 428, 429.

ence of the orthodox church, and of the lower classes of the people, who feared both the return of the Catholic rule and the establishment of a new kind of aristocracy, that of Cossack aldermen, a party was formed, whose chief desire may be expressed by the words of the priest, Maxim Philimonov: "We want one God in heaven and one czar on earth."* No wonder that the conflict of those who wished to maintain political autonomy by a return to Polish rule, and of those who preferred to anything else their newly obtained union with an orthodox czardom, ended in favor of the latter.

Little Russia, however, abandoned the enterprise of Vigovsky, who was trying to renew his former allegiance to the Polish crown, and remained under the rule of Moscow. This did not prevent her from pursuing, more or less unsuccessfully, the old design of maintaining a remnant of previous independence. An end came to it at last, however, after the notorious rebellion of Mazeppa, in the time of Peter the Great. This Mazeppa, following the old policy of the Cossacks to seek protection from the Swede as well as from the Tartar against oppression coming from its lawful ruler, whether king of Poland or czar of Muscovy, tried to recover the political independence of his own country by a close union with Charles XII. The battle of Poltava put an end at once to the Swedish preponderance in the northeast of Europe, as to the political dreams of its ally. A few generations passed and nothing remained of the right of Cossacks to elect their *hetman*. Although Peter I. did not revenge on them the offense committed by Mazeppa, and the new leader of the Cossacks, Skoropadsky, was chosen a few months before the famous battle, further elections were considered dangerous. Rasoumovsky, the well-known lover of Elizabeth, was already an appointed *hetman*, and in the time of Catherine II., the provinces

* See Goloviev's History of Russia, vol. xi, cap. i.

which formed Little Russia were organized socially and politically on the same footing as the other governments of Russia. The only remnant of the old laws and privileges are the special rights which rule matters of civil law, and most particularly the inheritance of daughters and widows in the three governments of Kiev, Poltava, and Tchernigov. According to the civil code, the local customs of these provinces are to be applied in case of suits, in preference to the general legislation of the country.

The same end has been reserved to the political rights and privileges which once were accorded by the Emperor Alexander I. to the kingdom of Poland, created out of the grand duchy of Varsovy by the congress of Vienna. The question of the unparalleled political crime committed by three neighboring states on a weakened and unprotected republic, such as was the so-called Retch Pospolitaia, or the Polish federation, at the end of the eighteenth century, will not be treated here. The pretensions of Catherine II. of restoring to Russia provinces that once belonged to her, are certainly of no greater value than the cynical declaration of Prince Bismarck in favor of the annexation of Alsace and Lorraine: "We must make war on Louis XIV." The fact is, that this so-called western region, Zapadni Krai, had been once under the power of elected princes of the Russian dynasty of Rurik. But after the invasion of the Tartars, the Russian population fled in numbers to the northeastern provinces, and the thinly inhabited country soon became the prey of the conquering Lettish dynasty of Gedemin. After the union of Lithuania with the Polish crown, the once Russian provinces became a constituent part of the elective monarchy of the Poles, and remained such until the first division of Poland, in the year 1772. The French Revolution attracting all the attention of the western powers, Prussia, Austria, and Russia could quietly accomplish the total suppression of a free state by two subsequent divisions.

But how little such an act was considered to be lawful in the eyes of those who were to have the best of it may be seen from the uncompromising attitude which the grandson of Catherine II., Alexander I., took, from the beginning of his reign, toward the so-called Polish question. According to the memoirs of one of the persons who were most intimate with him, Count Adam Chartorisky, the young emperor considered the division of Poland as contrary to any idea of justice or international law, and made up his mind to recognize, if not its political independence, at least its right to a liberal and representative government. After the fall of Napoleon, Alexander had the opportunity to fulfil the promise he had made to Chartorisky and his allies, by restoring at least a part of the previous Polish republic, under the name of a kingdom. To attain this end he had to withdraw from the duke of Saxony a part of the Polish provinces ceded to him by Napoleon. On this occasion he had to contend with a bold opposition on the part of Metternich, the all-powerful leader of the European diplomacy at the congress of Vienna. The unexpected return of Napoleon from the island of Elba brought the debates on this question, as on many others, to a happy conclusion. What was the immediate purpose of Alexander in bringing into existence this new kingdom of Poland may be seen from the following letter written by him to the president of the Polish senate, Count Ostrovsky, in the month of May, 1815: "If the great interest of general peace has not allowed the union of all the Poles under the same scepter, I have tried at least to soften, as far as possible, the rigor of their separation, and to obtain for them everywhere the possible enjoyment of their nationality." In a manifesto to the inhabitants of the newly formed kingdom, Alexander I. granted them a constitution, a system of local self-government, the liberty of the press, and the right of having a separate army. On the 21st of June, in Warsaw, was

solemnly restored the kingdom of Poland. In the Catholic cathedral, in the presence of the authorities, was read the text of the outlines of a new constitution; the council of state, the senate, the high officials, and the inhabitants took an oath of allegiance to Alexander, king of Poland, and of obedience to the constitution. As to the last, its definite text was to be drawn up by a committee of Polish officials under the presidency of Count Ostrovsky. To the Polish deputation sent to congratulate him, Alexander said, in Paris: "Do persuade the Polish nation, in my name, that I desire to restore it to existence. Uniting the Poles with a people of the same Slavonic origin, I insure, for many years to come, their welfare and their peaceful existence."

It is well known that Alexander did not think fit to limit his constitutional reforms to Poland alone. He plainly manifested this desire in a French speech, delivered on the 27th of March, 1818, on the occasion of the opening of the first Polish parliament. Whilst entreating the persons assembled to prove that liberal institutions are not to be confounded with subversive doctrines, he expressed his confidence in the possibility of extending the salutary influence of such institutions over all the countries that Providence had intrusted to his care. The speedy triumph of political reaction in all the countries of Europe, and more especially in Russia, prevented the fulfilment of this desire; but the Polish constitution was preserved, and the sittings of the parliament of Warsaw enjoyed complete liberty of debate.

Two rebellions, that of 1830 and that of 1863, have been considered by Russian monarchs as totally liberating them from all previous engagements to the Polish nation, and placing the latter in the condition of suspected subjects, deprived of any means of increasing their material welfare by the acquisition of new lands, and their moral

riches by the free enjoyment of their national creed and language. Strange to say, a movement to which the majority of the people remained, if not indifferent, at least neutral, became the starting-point of a policy of treating the whole Polish nation as an enemy, always requiring precautionary measures to keep them under, and severe control. The most unscrupulous Machiavellism was introduced in order to split this nation into two unequal parts, that of the higher orders and that of the peasants. By siding with the latter, by settling the question of emancipation in Poland on a much larger scale and with greater advantages to the common people, the imperial government had succeeded in creating a sure ally to its anti-national policy, when a new application of the same Machiavellism, in dealing with the religious belief of the people and with popular education, turned these new allies into enemies, and re-established the once existing union of all classes in Poland by inspiring a general hatred of the imperial administration.

One cannot blame such men as Nicholas Milutine for taking advantage of the warlike disposition of the Russian government toward the Polish nobility, in order to insure for the peasantry of Poland a better lot. After all, these men applied to Poland only the system of emancipation they had previously worked out and hoped to apply in Russia. But in the latter country their scheme was adopted with many partial modifications in favor of the nobility, while in Poland it found no objection on account of the bad feeling of the government toward the higher order. It is for this reason that the Polish peasantry had the advantage of keeping in their hands all the land they held in copyhold. The rights of use in common lands, in pasturage, and woods were likewise equally accorded to villagers. No private payments were to be made by former serfs to their landlords, the government taking on itself the duty of compensating the nobility for the material losses it had

to sustain. In this way the Polish peasant was not reduced to the necessity of accepting, in full proprietorship and without any payment, the small portion of land by which the nobleman of Russia was permitted to escape any further diminution of his material interests. He was not deprived, as the Russian peasant, of any right of common ownership in pasture and woodland. At the same time, no village communities being known to exist in Poland, its liberated serfs at once became full proprietors of the land allotted to them. On the other hand, the squires were forced to admit the further existence of all the disadvantages which the system of rural servitudes, applied to their own lands by the villagers, presents, as far as scientific agriculture is concerned. No wonder, therefore, that they have always objected, and still object, to the system by which has been solved in Russia the burning question of determining the reciprocal relation of the former lord and the former serf. Nevertheless, the question seems to be solved for all time, for the gainers as well as for the losers. New reasons for complaint have arisen which leave far behind the sort of necessary spoliation to which the Polish nobility had to submit in the year 1864.

In order, however, to diminish the influence of the Polish element, so far as landed property and landholding is concerned, and to augment that of the Russian, the government took, in the year 1865, the following measure: The acquisition of new lands was prohibited to all persons considered to be of Polish origin, within the limits of the so-called western region, of which Vilna is the center, and which played such a prominent part in the rising of 1863. Now, what is to be understood by the term "Polish origin"? For a number of years it has been generally recognized that nationality alone, and not creed, constituted the difference; but already in the years 1869 and 1870, the general governors of the region refused to Lutherans who had

married Catholics the right to acquire landed property, for the reason that, after their death, the property might be inherited by their Catholic children.* If the same measure was not applied to orthodox Russians who had married Polish women, the reason lies in the fact that, according to the law, the children having an orthodox father must also become orthodox.

For a long time the measure taken against the acquisition of new lands by the Poles was limited exclusively to rural estates, and to persons belonging to the nobility or to the middle class; but by and by, the same prohibition was extended to town property, and to peasants wishing to acquire an extent of land exceeding the area they themselves could cultivate without extra help. In the year 1884 a new law declared that no mortgage could be laid on rural estates belonging to persons of Polish origin; at the same time these persons were excepted from the number of those who might farm lands just outside of cities or boroughs, and that as well in the case of private as of crown lands. No wonder that by and by the practice prevailed of making no contract in which land was concerned without a written authorization from the general governor—a practice which has been recognized as legal by an order of the committee of ministers, on the 1st of November, 1886. From this time on the general governors interpreted in the most fantastic way the natural right of acquiring property according to once real or supposed wants. They have declared, for instance, that a Catholic peasant could not acquire more than sixty *desiatines*, or one hundred and twenty acres, and that only in case he conformed with

* Count Leliva, who has taken the trouble to collect all these more or less clandestine administrative measures, insists, with great justice, on their evident contradiction of the order issued by the committee of ministers on June 14, 1868, an order confirmed by the emperor, and according to which persons of Russian origin, whether orthodox or Lutheran, may acquire lands in the western region, even if married to Poles, or Catholics.

the following conditions: he must be of peasant birth, lead a peasant life, regularly use the Russian tongue, own no other land, and be able to cultivate it by himself without the help of paid laborers. The inventive imaginations of high officials, suddenly elevated to the rank of legislators, shone forth with equal brilliancy in regulations of the following description: According to a circular letter dispatched on the 19th of May, 1887, by the general governor of Vilna to the governors under him, those of the peasants who were members of parish confraternities, and who appeared as intercessors between the parish priest and the people, could not be admitted to the acquisition of new lands. And furthermore, as to those who had embraced orthodoxy, the mere fact of not going regularly to church, a fact which the parish priest is the sole judge of, is considered sufficient to annul the authorization. The least, but not last, expressions of this administrative self-will are the two acts of 1891 and 1892, by which the general governor of Vilna, contrary to any law, prohibited Catholic peasants from Poland from acquiring land in the western region. The same rule was applied, also, to the peasants of two parishes in the government of Grodno, of Sledzianovo, and of Granovo, on account of the opposition some of them had shown to the suppression of their parish church—and this at the end of the nineteenth century!

One is pleased to say further, however, that measures recently taken make a thing of the past of another unspeakable regulation, according to which, thirty years after the rebellion, the Polish landed gentry were to pay the tenth part of their income as a sort of amercement for their real or supposed participation in the insurrectional movement. To find anything similar to this measure in the annals of the past, one must go back as far as the Cromwellian major-generals, who exacted the same kind of fine from the cavaliers, or royalists. Although the measure was extended,

at least in the beginning, to all landed proprietors, without distinction of nationality or religion, and considered a sort of contribution to the expenses required for the maintenance of order, nevertheless this fine was regularly reduced to half the sum, as far as Russian or German proprietors were concerned, the difference being made up by Polish squires. At the beginning, however, this regulation was considered temporary; it became permanent in the year 1870, when the rule was introduced of freeing from all payment lands passing to Russian purchasers. It is only in the reign of Nicholas II. that the whole scheme has become obsolete.

If one asks what the results of this land policy have been, one finds that it has alienated from the Russian government the good feelings of that class of persons on whom it expected to base its future rule in Poland—the peasants. The thirty years that have elapsed from the time of their emancipation have created among them a new want of land, which the Polish squires would be too pleased to satisfy by sales or leases, if not prevented by law and administrative orders. The expected increase in the number of Russian proprietors has not been verified, at least to a great extent. The lack of capital, the possibility of getting as good or better profits in laying out one's fortune in the acquisition of landed interest in the central, southern, and eastern provinces of the empire, not to speak of industry and commerce, and the difficulty of resisting the social ostracism which a Russian intruder is not likely to escape on the part of the Polish gentry, have produced their effect; the better elements of Russian society abstain from acquiring land in the western region. And in doing so, they follow the example set them by the old chancellor of Alexander II., Prince Gorchakov, who refused to be remunerated for his diplomatic services during the Polish insurrection by grants of land from the confiscated estates.

No wonder, then, that under such conditions Russian officials, serving in Poland or in the western region, form the bulk of the new acquirers of land. The number of these officials is greater here, even, than in genuine Russian provinces, on account of the total lack of any self-government, provincial, district, or municipal. The nobility of these provinces—the western region and the kingdom of Poland, now known as the Vistula Territory—are not even allowed to elect their marshals of nobility, who are, however, appointed by the government, and who, like other officers, receive a regular pay. But the one fact that all who take service in these conquered parts are attracted by some financial advantages, such as better pay, or a reduction of the number of years passed in office, and an authorization of a pension, suffices to show that Russia has not in them to deal with a class of capitalists, ever ready to increase the amount of their land possessions. And so it happens that Russia, because discouraging zeal and affection in her natural allies, the peasants, is failing to obtain an effective Russification of the country comparable to the Germanization of Posen by the scheme recommended by Bismarck, a result which, however, has not yet been achieved by the Prussian *junkerthun*, although they form a much wealthier class than the one expected to work the same service for Russia.

But notwithstanding the inefficacy of Russia's endeavors to form and strengthen an element favorable to herself, she still pursues this fantastic ideal by Draconian laws against the Polish language and the Polish c Catholic. And this, despite the fact that she e direct conflict with the best feelings of the peopl to rule, and abjures the principles of freedom of c which she was first to proclaim in her legislation, especially in her promises, given to the inhabita conquered provinces at the end of the eighteent

beginning of the nineteenth centuries. Indeed, the fact is, that the Catholic creed is not equally protected in the majority of the thoroughly Russian provinces and in Polish ones. Already there has been occasion to speak on the first subject; so here there need be only a brief mention of how the condition of the Catholics in Poland and in the western region differs from that of their brethren in other parts of the empire. In order to prevent the indirect Catholic propaganda, Russian authorities went so far as to prohibit the public performance of religious processions preceded by a cross; such celebrations are allowed only inside the church or at least within the church inclosures. This measure was passed as early as the year 1867, and notwithstanding the opposition of some more moderate general governors, such as Albedinsky, is still in force. A strict prescription limits the number of festivals during which such religious processions may take place; and often the prohibition is not at all in correspondence with the canons and regulations of the Catholic church. The same ludicrous limitation is put upon the placing of commemorative crosses on the highways and fields, out of a fear that these crosses may contain some allusion to political events.

Let us now pass to a consideration of the state of the Catholic clergy in Polish provinces. Attention should, first of all, be called to the fact that, contrary to the canons, it is not the bishop, but the governor, who sanctions the entrance of young men into Catholic seminaries, or at least who has the right to oppose any permission of this kind, if to his mind it is not in accordance with the law. The Catholic bishops are nominated by the emperor, after a previous agreement with the pope, but they cannot perform one of the direct obligations of their charge, that of visiting their dioceses, without a previous permission from the governor. The day when the bishop of Vilna, Grinevzky, took the liberty of replying that he could submit only to

such regulations of the government as were not opposed to the rule of the Catholic church, the minister of the interior, Count Dimetri Tolstoy, thought fit to call the attention of the bishop to the fact that only those prescriptions of the Catholic church could be followed in Russia which were not opposed to the regulations of the Russian state—a marvellous reply, and very like the one the great namesake of the minister received from a Russian guard who was beating a pauper for asking alms. "Have you read the Gospel?" asked the author of "Resurrection." "And thou, dost thou know the statute of military service?" was the answer.

The Russian police code belongs on the same level with, or rather has the preference over, the canons of the Catholic church or any creed whatever: such is the view which Russian officials of all grades entertain as to liberty of conscience and the reciprocal relation of ecclesiastical and civil power. No wonder that the general governors show the same want of scruple in dealing with the parish priests in the performance of their official duties. As an instance, here is a translation of a document of the year 1881; an official list of the different misdemeanors which a parish priest is likely to commit, and for which fines are to be exacted according to the order of the general governor of Vilna, Count Totleben: 1. The withdrawal to a neighboring parish in order to perform divine service in it without previous permission of the civil authorities; 2. The preaching of a sermon of his own composition without authorization from the censor; 3. The collecting of money from parishioners for purposes unknown to the local authorities or not permitted by them; 4. The not declaring to the parishioners in due time of the occurrence of the birthdays of the emperor, and other members of the imperial family, or of any other official festivals, the non-celebration on these days of divine service, or the celebra-

tion of the mass at too early an hour; 5. The performance of religious processions outside of the church inclosure, or on days not indicated in the official table. For such supposed misdemeanors the parish priests are fined to the amount of three or four hundred rubles.

And when one realizes that these fines are regularly paid by way of subscription on the part of parishioners, one understands how much they contribute to the ill feeling [illegible]lish peasants entertain for their supposed [illegible]her end be achieved by the [illegible] according to which no pupil, [illegible]llowed to be absent from the [illegible] of official festivals. Now, [illegible] law, the attendance at a schis[illegible]s considered as a sin. And so [illegible]ears is placed in the alternative of being [illegible] from school for not conforming to the official demand, [illegible]r reproved by his parents and confessor.

Not to insist longer on the endless list of stupid and tyrannical prescriptions, one need only mention the fact that the so-called curators, wanting to show their zeal in making orthodox and Russian the younger Polish generations, have taken advantage of the administrative order given to them in 1879 by the minister of public instruction, and have almost eliminated the clergy from the number of persons teaching catechism in the grammar-schools. Recent statistics show that in the year 1892, out of two thousand eight hundred and sixty-three grammar-schools existing in the kingdom of Poland, only in one hundred and fifty-four was catechism taught by the clergy. Besides other results, this early emancipation of young minds from any religious control accounts, to a great extent, for the rapid increase of the materialistic propaganda of international socialism. There is no doubt that this propa-

ganda has been more successful in Poland than in any other part of the empire. Many reasons have contended in its favor: the rapid development of industrialism; the considerable number of German workmen, members of the social democratic party, finding employment in the factories of Lodz and Gosnovizi; last and not least, the diminishing of the natural opposition which the theory of class struggle finds in the teaching of the church, as to due submission to all authority. The social revolution to come has made considerable advance in the minds of the working classes of Poland, but who will dare to say that it is to the advantage of the Russian rule?

Nor were the measures taken to supplant the Polish by the Russian tongue any more effective in the attempt to Russianize Poland. Not only according to the law of 1869 were all the sciences to be taught in Russian at the University of Warsaw, and in the colleges or secondary schools (exception is made for catechism alone), but the same rule was equally extended to the primary schools, to the clubs, to social meetings, theaters, shops, as far as mercantile advertisements were concerned, and especially to all official correspondence. The greater number of these measures were adopted by the general governors in the years 1866 and 1868, when ludicrous cases occurred of persons being fined for having said in Polish, to some district treasurer, "I will give you two rubles in small change." But regulations of this kind have been renewed in later years, as in 1881 and 1893. To cite an instance among a hundred of the same sort, the celebrated prima donna, Sembrich, was sentenced to pay a fine of a hundred rubles merely because she sang a Polish song at a concert without previous authorization.

So much for the *privilegia odiosa* of the Poles—odious to the people directly concerned as well as to Russian patriots, who, in despair, ask themselves what is to become

of the union of the Slavs as long as the foremost branch of them is ill treated in this monstrous and stupid way. And this happens at a moment when the uninterrupted advance of the Germans toward the east, by way of so-called peaceful conquest, presents a serious danger to the future of the Slavs; at a moment when the all-powerful economical interests, and more especially the possibility for the Poles of selling their merchandise throughout the vast area of the Russian empire, are in favor of a good understanding between the Poles and the Russians. And just at this moment Russia does everything to prove to her pretended brethren that even under a German government, as that of Austria, their religious and national interests are more likely to be preserved than under her own rule. Compare the state of things established in Galicia, where the Poles have Polish universities, secondary and primary schools, and where they enjoy not only local self-government, but even the right of discussing the general interests of Cisleithania, together with a share in the nomination of the federal ministry and of the delegation, with that which a kindred government has reserved for them in Russia and in the western region. In such comparison one easily perceives the reason why a movement analogous to that which created the federation of the German-speaking kingdoms and republics is not likely to be expected on the part of the Slavs so long as the policy of continual suspicion and suppression has not been superseded by that of a good understanding, based on a reciprocal recognition of personal rights and national existence. If Poland were united with Russia under the same dynasty, but possessed its own self-government, local and central, the power of the empire, far from decreasing, would be strengthened to a considerable degree, to say nothing of the fact that all the Slavonic peoples would be led to have recourse to Russia's protection and its political leadership.

CHAPTER XI

THE PAST AND PRESENT POSITION OF FINLAND IN THE RUSSIAN EMPIRE

In the last chapter we saw the special position made for Poland and the Polish provinces on account of two rebellions and the government's apprehension of a new rising. Except for these reasons, one does not see in what the political condition, at least, of the kingdom of Poland, as newly created, or rather revived, in smaller limits by Alexander I., materially differs from that of the grand-duchy of Finland, which was called to a national existence by the territorial and constitutional grants made in its favor by the same monarch. This view is generally contradicted by Finnish and French legal authorities, but it is difficult to perceive the reason of their objection, unless they are afraid that by such a juxtaposition the future of the Finnish autonomy may be predicted. Among German scholars in public law, the authority of Bornhak is in favor of the author's opinion. Bornhak places on the same level the union of Russia with Finland, and that of Russia with Poland, treating both of them as instances of incomplete incorporation. The term is happily chosen, in so far as it shows the impossibility of identifying the legal status of Poland and Finland with regard to the empire, at least in the reign of Alexander I., with that of a province, or that of a quite independent state in a personal or even real union with Russia. The mere fact that Finland had no national existence before it came to constitute a part of Russia, does not allow one to speak of it as entering into a political union with the empire in the same sense in

which Bavaria or Würtemberg entered, in 1871, into union with other German states; or centuries ago, Hungary's or Norway's becoming parts, the first of an Austrian, the second of a Scandinavian, union. Of course, the fact that this union does not correspond to the existing classification of the different forms under which a state receives a limited sovereignty, and acknowledges its political dependence on some other, does not mean that its rights are to be sacrificed; it only proves the incompleteness of the classification already existing, and in the instance before us, the impossibility of reducing all cases of union either to a personal or real one, with its subdivisions in confederation and federal union. Besides Finland, other states, as for instance, Bulgaria, present peculiarities in their political existence which cannot be identified with those of a canton of Switzerland, or of a particular state in the American Union. This does not mean, however, that Bulgaria is to be considered, for this reason, either as a province or an independent state.

There can be no question of protectorate as far as the relations of Russia and Finland are concerned. This very vague and indefinite term may be applied only to those very indefinite relations which exist between a European state and a more or less subjugated Asiatic or African colony, from which any right of disposing of itself by international treaties has been taken away, and over which some control has been established as far as regards interior administration. Such is the case with Tunis toward France, and of Bokhara toward Russia. The peculiar condition of Finland, as well as Poland, consists in this: They have both been called to existence as a nation by the ruler of the conquering state. They have both received their limited authority from the hands of that ruler, who acknowledged the historical rights and privileges they had enjoyed under former sovereigns—the republic of Poland and the Swedish monarchy. They

have both been declared inseparably united with the Russian empire, so that neither a change of dynasty nor a change of political régime in Russia can put in question the further existence of their union with Russia. They have both lost the right of having any other foreign policy than that of Russia, and have retained their own legislation, their own ministry, their own courts of justice, and their own army. One sees how intricate these analogies are, and how difficult it is to speak of the ties uniting Finland to Russia as of a character quite different from those by which Poland was incorporated into the empire after the congress of Vienna. The similarity in political conditions does not at all authorize us to say that Finland, in case of further discontent, must be reduced to the state of a Russian province, which is the lot of rebellious Poland. So far from thinking that, the author believes that a rising, which is always the work of a minority, can never authorize a government to confiscate political liberties. Their exercise may be suspended for a while, but on no account annihilated.

With this introduction, let us take up the history of the incomplete incorporation of Finland into the Russian empire, and in a very general way, the present constitution of the grand-duchy, and so bring out, if possible, the reason for the ill-feeling of the Finns toward Russian government. Finnish authorities—and no one more than Professor Danielson, of the University of Helsingfors—by correcting the numerous errors committed by Russian writers, especially Mr. Ordin, have, at least in the author's opinion, completely established the fact that it is not in the treaty of peace of Friedericksham, but in the decisions taken some time before at the convocation of the diet in Borgo, that one must seek the fundamental principles on which the mutual relations of Finland and Russia have been established. The idea of creating an independent state out of Finland—a state which might be one of those *états tampons*,

which, like Belgium or Switzerland, prevent—alas, more in theory than in practice—the conflagrations of larger political bodies—has been entertained in Russia almost from the time of the conquests of Peter on the gulfs of Bothnia and Finland. To secure Petersburg from the possibility of a Swedish invasion, Peter and his immediate successors maintained, in the hands of Russia, the possession of the southern part of the province of Kexholm and the town of Wieburg. This conquest brought the Russians into close correspondence with the Finns, and permitted the government of Petersburg, if not to create, at least to keep up a kind of agitation in favor of autonomy.

In the year 1742, taking advantage of a new war with Sweden, the Empress Elizabeth issued a manifesto by which she declared her readiness to recognize the independence of Finland. The Finns, during the war, were to take an oath of allegiance to Elizabeth, but by the peace of Abbo, of 1743, Russia could retain in her possession only the remnant of the province of Carelien, out of which was formed the government of Wieburg. From this moment a party arose in Finland favorable to the return of previous frontiers with a change of sovereigns. Finland, in the plan of this party, was to become either a quite independent state or one semi-dependent on Russia. In favor of the first a memorial was written and presented to Catherine II., by a Finnish patriot, Sprengtporten; the empress approved it, writing with her own hand a sentence showing that she considered the independence of Finland to be an advantage to Russia. In 1788 a manifesto was issued in which Catherine II. promised the Finns to recognize their autonomy, and invited them to convoke a diet in order to proclaim it.

No wonder that Alexander I., who constantly declared himself ready to continue the policy of his great-grandmother, entered into the same views as to the necessity of

preventing further conflagrations with Sweden by the calling into existence of a new national state, that of the Finns. As early as the year 1808 General Koutousof had interviews with Sprengtporten, and received from him a memorial, inviting the emperor to declare himself in favor of the independence of Finland, and to restore to it the province of Wieburg. Both recommendations, as we shall see, were followed by the emperor, in 1811. But already, in 1808, the commander-in-chief of the Russian army in Finland, Buxoevden, issued a manifesto, the text of which contained the expression of the same desires as those entertained by Sprengtporten. For a while, and as the result of great military successes, the idea of Finnish autonomy was superseded in the mind of Alexander by that of pure annexation, followed by grants of privileges. But new failures soon opened the eyes of the emperor to the good to be derived from the plan of Sprengtporten, and in a manifesto of June, 1808, Alexander promised to the Finnish people that their old laws should be scrupulously, or as he said, wholly, maintained. On the 30th of November of the same year, he received a Finnish deputation, the spokesman of which, Mannerheim, represented to the czar that the people of Finland were a free nation, subject to their own laws, and that they believed in the imperial promise to respect their religion, their liberties, and their rights. Mannerheim's demand to be allowed to convoke a general assembly of the country met with a favorable answer on the 7th of January, 1809. So a fortnight later, Alexander, entitling himself, for the first time, not only emperor and autocrat of all the Russias but also grand duke of Finland, convoked the Finnish diet at Borgo. The person closest to the czar, Speransky, who enjoyed at that time all his confidence, asked a Finnish gentleman, called Rebhender, to work out the plan of this convocation according to the old Swedo-Finnish laws.

On the 27th of March, 1809, the emperor went in person to Borgo, where he signed the following act: "The Almighty having granted to us the possession of the grand duchy of Finland, we desire, by these presents, to confirm and to sanction the religion, the fundamental laws of the duchy, and the rights and privileges which each order separately and all inhabitants in general, great and small, have enjoyed according to the constitutions. We promise to maintain these advantages and laws in full vigor without any alteration or change." The constitutions meant by the emperor were those of 1772 and 1789. Both were given to Sweden, and accordingly to Finland, as a part of the latter. The constitution of 1772 restored the rights of the diet as already established in 1723, and those of the king. The thirty-ninth article of this so-called *regerings form* declared that the states of the realm could not modify the fundamental laws without consent of the king; and the fortieth, that the king could not make a new law, or abrogate an old one, without the consent of the states. The constitution of 1789 strengthened the rights of the king, putting into his hand the direction of foreign policy and the initiative of all laws. The states maintained, nevertheless, their right of discussing the budget and all legal reforms. Both acts were declared by the diet as fundamental, inviolable, and immutable. And it is, of course, these constitutions, and not the civil code of 1734, which Alexander intended to confirm, whatever some Russian authors may have invented to the contrary, basing their conclusions on such ludicrous pretenses as, for instance, the following one: the Russian text of the act employs the word "root laws" instead of "fundamental laws." But it is easily established by the study of contemporary legal acts that both terms had the same meaning. That the emperor, however, intended to maintain, not only the civil, but also the political institutions of Finland, appears clearly

from the fact that, whilst opening the diet at Borgo, he employed the following words: "I have promised to maintain your constitutions, and your fundamental laws; your meeting here is a guarantee of my promise; this meeting is a turning-point in your political existence, for it is destined to strengthen the ties that bind you to the new order of things, and to complete the rights which the fortune of war has given me by rights dearer to my heart and more in conformity with my principles, the rights originated in feelings of love and affection." In the same address, moreover, the emperor speaks of the Finnish fatherland, of the Finnish nation, of the people of the grand duchy, placed thenceforth in the rank of nations governed by their own laws.

Now if Russia is, and already was, an autocracy at the time when the acts and the words mentioned were written and pronounced, if the whole sovereignty of the state was put, and still is, in the hands of the emperor, one does not see why these solemn declarations are not binding, nor why they should require a new confirmation in a treaty of peace, as that of Friedericksham, which had only to settle the reciprocal relations of the former belligerents, Russia and Sweden. It is true that the Swedish government called the attention of the government of Alexander to the necessity of introducing into the treaty an article in favor of the maintenance of the liberty of conscience, of the laws and privileges of Finland; but its demand was rejected, for no other reason, apparently, than the one pleaded by the Russian plenipotentiary, that his majesty had won the love of the Finns, had been recognized by them as master and lord before the treaty, and that he did open, as their sovereign, the states of the grand duchy.

So much, then, for the origin of the limited incorporation of Finland into the Russian empire. Now we must see what was the destiny of the liberal representative insti-

tutions with which the emperor endowed his new subjects. The period which followed the annexation of Finland was not propitious for self-governing bodies. The war for Russian national existence, sustained against Napoleon, absorbed to such an extent all the material and moral forces of the empire that no time was left for the calling of deliberative assemblies. Then came the Holy Alliance with its set of congresses, assembled, not so much to establish the peace of the world as to suppress free thought and any kind of liberal movement. The same Alexander who, on more than one occasion, entertained not only his counselors and ministers but also foreign visitors, like Madame de Stael, with his plan for a constitutional settlement of Russia, postponed its execution to an indefinite future.

In the last years of his reign, being informed of the different plots of his own officers in favor of political reform, he bitterly complained to those around him that the revolutionists, by trying to bring into existence his own ideas, made it quite impossible for him to suppress their acts with severity. But he was very far from taking upon himself the initiative of reforms which were made necessary. Fearing to produce greater excitement, he did not even summon new meetings of the states either in Poland or in Finland—a right reserved, according to the Finnish constitution, to the emperor alone. The autocratic Nicholas I., after crushing the rebellion of 1825, refrained from any new convoking of the Finnish representatives. In this way, the diet had no occasion to sit; but as no political liberties can be abolished by disuse, one cannot draw from these facts the conclusion that the constitution of Finland ceased to exist. No wonder, therefore, that after his accession to the throne, Alexander II. issued a manifesto in which he expressed the desire that his Finnish subjects should enjoy all the rights and privileges which

are accorded to them by fundamental laws and special institutions. Two years later, in 1859, the Finnish senate was asked to draw up a list of questions that required immediate settlement by the states; this list was presented to the emperor in 1861, and in the manifesto that followed Alexander II. renewed his promise of summoning the diet as soon as circumstances would allow. This happened at last in the year 1863.

In a French speech, delivered by the emperor on the occasion of the opening of the diet in Helsingfors, his majesty, among other statements, made the following one: "You will have to pronounce on the necessity and the amount of taxation I propose. As some of the fundamental laws do not correspond to the wants occurring from the time of the annexation of the grand duchy, I intend to intrust to some one the preparation of a new law, which will interpret and complete the fundamental ones. A new diet, to be convoked in three years, will have to examine this plan. Then, while leaving unchanged the principle of constitutional monarchy, which suits the manners and customs of the people, and with which all laws and institutions are imbued, I intend to extend the right, already belonging to the diet, of fixing the amount and the number of taxes, and to restore the power of initiative, which belonged to it in former times." (Of course before the Swedish constitutional act of 1789.) Alexander II. kept for himself the right of initiative only in matters concerning the alteration of fundamental laws, and expressed the hope that a good understanding between the diet and himself would induce him to convoke it periodically. In the year 1869, the same emperor confirmed the new statute of the diet, worked out by a commission nominated by the representatives. In it was recognized the principle of a periodical convocation of the states every fifth year; no fundamental law was to be revoked or altered without the consent of all

the states, and not otherwise than by the initiative of the emperor and grand duke.

This statute was declared to be a fundamental law, and while confirming it, the emperor promised to make use of a right recognized as his by the constitutions of 1772 and 1789. The diet contributed equally in the reign of Alexander II., namely in 1877, to the elaboration of a new law concerning the army. The principle of general service was recognized, but on condition that the Finns should serve only within the limits of Finland and under Finnish officers. These regulations were considered as forming a fundamental law, and therefore admitting of no change, unless with consent of the states and on the initiative of the emperor.

Although in the time of his successor, Alexander III., rumors began to circulate as to the desires of the government to put an end to the autonomy of Finland, the peaceful development of its institutions went on in a regular way. Putting into execution a promise already given by Alexander II., the new emperor, in 1886, granted to the diet the right of motion in all questions excepting those of fundamental laws, the army and navy, and the legislation of the press. On this occasion there was mentioned again in the imperial decree the old principle according to which no changes were to be made in the state of the country without the acquiescence of the diet.

But notwithstanding all these promises, the attitude of the higher spheres toward Finland became more and more suspicious and provoking. The single appointment to the post of general governor of Finland, *i. e.*, the representative of the emperor in the grand duchy, of General Bobrikov, notorious for his hatred of any kind of national independence—a feeling which he manifested during his long stay in the Baltic provinces to the detriment of the Germans—caused great apprehensions. This appointment

was soon followed by the nomination of a mixed commission, in which Russian officials were in majority, and the task of which was to elaborate a scheme of unification of post, money, and custom-house administration in Russia and Finland. No wonder that at the opening of the diet the presidents of the four estates addressed protestations to the emperor. This induced the latter to intimate to his "beloved subjects" of Finland that he was imbued, as in the past, with feelings of benevolence and confidence toward them, and that he intended to maintain the rights and privileges granted to the Finns by Russian monarchs.

More serious difficulties arose, however, during the present reign. They originated in the desire of the minister of war to augment the military forces of the grand duchy, to incorporate them into the Russian army, and to compel them to serve outside the boundaries of the grand duchy, and under Russian commanders. The general governor, Bobrikov, intimated to the estates summoned to an extraordinary session that the military reform would be introduced, even without the consent of the four orders. Accordingly, the plan of the new law was presented, not for the discussion and approbation of the diet, but only in order to obtain its opinion on the matter. This happened in the beginning of the year 1899. A few weeks later there was issued a manifesto, signed by the emperor, to which were added the so-called fundamental rules with the usual formula, "So be it!" In the manifesto it was said that Finland enjoyed separate institutions, executive and legal, adapted to the conditions of the country, but that, side by side with matters of local legislation, originating in the peculiarity of Finland's social structure, there were other questions concerning the political administration of this country, and these last were too intrinsically connected with the general requirements of the Russian empire to be treated exclusively by the institutions of the grand duchy.

The way in which such matters were to be settled is not indicated in the laws of Finland by precise rules; this want produces great inconveniences. "To escape them," continued the emperor, "we have thought fit to complete the existing legislation by the establishment of a permanent order, in which laws of general concern for the whole empire are to be made and promulgated." The new fundamental rules declare, accordingly, that in such questions the diet shall enjoy only a consulting vote, and the decision will be taken by the council of state and the emperor.

There can be no doubt that such rules were an innovation. It was impossible to bring them into conformity with the promises given to the diet by the three Alexanders. A member of the supreme court of Denmark, Nyholm, whilst criticising them, justly observes that legislative power, as far as all laws applied in Finland are concerned, must be exercised by the emperor and the diet; that the constitution of the grand duchy knows nothing of the legislative power of the council of state; that the new rules introduced by the emperor limit the right of the latter to a simple consultative vote in matters of general concern, and that such an innovation is the more dangerous because these matters are not enumerated, but are left in that way to the choice of the emperor.

Newspapers have told the world at great length what ensued: how the Finnish senate, although giving its consent to the publication of the manifesto by a majority of one vote, unanimously declared itself in favor of a solemn protestation as to the illegality of the new regulations. The diet followed this example, and the presidents of the different orders asked for an audience from the emperor, in order to present the remonstrance of the diet. But they could obtain no hearing. A petition, covered by five hundred and twenty-three thousand signatures, was brought to Petersburg by five hundred notable Finns.

They were ordered to depart. Foreign publicists, statesmen, and university professors, also signed a kind of protestation, and one of them, Trarieuse, recently chancellor of France, tried, with as little success, personally to interview the emperor on the subject. From time to time his majesty made known his dislike to the supposition that he had broken his word, or that his personal interference in the decision as to what questions were of general concern was not accepted in Finland as the best guarantee of the maintenance of its local administration. But these platonic declarations produced no more effect than the muzzling of the Finnish press. Although the diet consented to augment the number of the troops from five to twelve thousand, and to allow them to leave the country in case of war, when the defense of the duchy did not require their presence, the states continued, and still continue, to protest against the unconstitutional character of the measures recently adopted by the imperial government. At the meeting of the diet on the 13th of January, 1900, the head of the nobility, the so-called land marshal, insisted on the fact that Finland had committed no act which entitled people to think that it had lost its rights. The archbishop maintained that interior peace was impossible so long as right should not triumph over might. The spokesman of the citizens insisted on the feelings of equity proper to the Finnish people, who considered, as he said, that everybody, high or low, had to bow to the prescriptions of the law. And the *talman*, or speaker, of the peasants disclosed the alarming fact that the great increase in the number of Finnish emigrants to America was the direct result of the unhappy condition of the country.

If we ask ourselves what end this inopportune interference with already recognized liberties can possibly serve, we shall meet great difficulty in finding a proper answer. No political plot has been even dreamed of in Finland; there

exists in the country no movement in favor of separation from Russia; nobody has ever doubted the loyalty and attachment of the Finnish nation to the ruling dynasty. Thirteen years ago the author, during a long residence in Stockholm where he was called to deliver lectures, had more than once the privilege of meeting Finnish gentlemen; they all professed good feelings toward the imperial family, and their deep hatred of all malcontents in Russia. One wonders if they have not come to the conclusion that what endangers the peaceful development of their autonomous institutions is that union of nationalism and autocracy which is also considered as the greatest hindrance in the way of Russian freedom. It may be that the bad luck so suddenly fallen upon them will open their eyes to the necessity of acquiring a better knowledge of what is going on in the greater part of the empire, and of choosing their allies more prudently in future. The author would like to see them entering this new way, but he is not quite persuaded they will do so, for the reason that a considerable difference exists between the democratic tendencies of Russian public opinion and the aristocratic exclusiveness of the Finns. And may not this tendency be due to the fact that of all European countries Finland is the only one that has preserved its almost mediæval organization of the diet in four separate chambers, each occupied by the representatives of a single order? This organization is of Swedish origin, but Sweden itself abandoned it in the year 1866. As to Finland, the new statute of 1869 maintains the four orders. And for the chivalry and the nobility a separate chamber is reserved. And this, notwithstanding the fact that the number of noble families is relatively a small one—241 in all, each with a right to have its representative. Usually it is the oldest member of the family who exercises this right, but in case he does not prefer to enjoy it, he may be replaced by some other

nobleman belonging to his family or not. The same nobility was entitled, according to the statute of 1809, to occupy at least half of the seats in the senate.

The clergy also enjoys the right of meeting in a separate chamber. Clergy, of course, means the Lutherans only; the other creeds are tolerated, but have no share in the exercise of political power. Of the thirty-eight votes belonging to the clergy, three are at the disposal of the archbishop and two bishops, twenty-eight belong to the nominees of the parish parsons, and the remaining votes are distributed between the university and the delegates of school-masters, who, until 1889, were chosen from among Lutherans only, a rule still in force in the case of professors of history.

The representatives of the cities constitute a chamber separate from those of the higher orders and that of the peasants. The number of deputies sent up by a borough depends on that of its inhabitants; every six thousand has a right to one nominee. The elective assembly is composed in the cities of all those paying local taxes, except the higher orders, the soldiers, and servants. The elections are of one or more degrees, according to local arrangements: in many towns a plural vote has been introduced, the same person having the right to vote two, three, and more times, on account of his higher taxation; those who pay most are entitled to as many as twenty-five votes. One can see that plutocracy plays in Finland a considerable part in the management of public affairs. The cities in common send up fifty-eight deputies, of whom ten are from Helsingfors and five from Abbo. As to the peasants, the number of their representatives, forming a separate chamber, is equal to that of the court districts—sixty-two in all. They are nominated at a double election—first, that of voters, and then that of deputies. The franchise is accorded all tax-payers, and the number of

votes enjoyed by each depends on the amount of personal taxation—another confirmation of the fact that the richer classes are most favored as to the exercise of political power. Only a Christian, at least twenty-five years of age, can become a deputy. The statute of the diet declares that deputies, in the exercise of their duties, are subject to nothing but the observance of the fundamental laws of the country. This does not prevent them from depending on their constituency, and from entertaining class feelings, the more so as they have to discuss and to vote, not in a general assembly, but in their separate chambers. Any law, excepting the fundamental ones, is considered to be voted if three chambers agree in its adoption. As to changes in the constitution, they require the unanimous vote of the four chambers. The higher judicial power appertains to the same body as the executive—the Finnish senate, first known as the "council." Its president, the general governor, and the presidents of the four chambers, are nominated by the emperor; the latter have no voice in the decisions to be taken. The judicial and executive duties are distributed among the sections of the senate in the following way: one of these sections is a court of appeal and has the right in all cases, except those of capital punishment, to advise the emperor as to the exercise of his power of pardon; the section of economy deals with the whole civil administration of the grand duchy, and is, at the same time, a kind of administrative court, to which complaints may be made of the dealings of officials. As to the general meeting of all the departments of the senate, it has to do exclusively with the affairs intrusted to it by imperial command.

The correspondence of the emperor with the Finnish administration is managed through the agency of the state secretary for Finland, who resides in Petersburg. This post has been held by very able politicians, such as Speran-

sky. It has now entirely superseded the commission for Finnish affairs, composed of statesmen belonging to the grand duchy and therefore likely to give good advice to the sovereign in matters concerning their country.

This short sketch of the Finnish constitution, with which the book concludes, will perhaps induce the reader to think that, although there is no question as to the necessity of upholding the relative autonomy of Finland, its political institutions are not to be considered as exempt from criticism. They are certainly contrary to the democratic tendencies of our time, and as soon as the existing difficulties become a thing of the past, and the Finnish diet entertains no longer any fear for the preservation of the liberties and privileges of the country, it is to be hoped that spontaneous movement will arise in the grand duchy in favor of a reform of its antiquated institutions. The sooner this happens, the stronger will be the feelings of sympathy and respect which the advanced parties of Russia will feel toward these forerunners of the great struggle for the social and political remodeling of the empire.